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Being Human
Fine-Tuning Moral Naturalism

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Being Human: Fine-Tuning Moral Naturalism

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Thesis submitted for the degree of Doctor of Philosophy in the
University of London
– 2012 –

Abstract

This thesis addresses the question of whether morality needs to be grounded in theory of human nature. I argue that it does not. Two pressures incline us towards the view that morality must be grounded in such a theory. The first of these is the thought that the absence of belief in a divine law giver creates special problems for the putative authority of moral considerations. If we are to avoid moral scepticism, so this line of thought goes, we must show how moral requirements serve or express our natural purposes. The second pressure is the observation that moral codes vary based on contexts (environmental and cultural) in ways that are too uniform to be accidental. An ethical theory is naturalistic if it denies that morality depends on the existence of God, and accommodates the intuition that morality is necessarily connected to human ends.

I describe these pressures, focussing on an example of an individual (Mary) who declares themselves morally incapable of acting in a certain way. I explain why there is a problem in accommodating this modal appeal within the structures of practical deliberative inference. I then go on to describe what I take to be the distinctive features of moral experience. These include our confidence in moral requirements, their importance within our lives, their inescapability and our inability to resent them. These features are explained from the points of view of the agent and recipient, and in relation to both past and future circumstances.

I then ask whether it is possible to accommodate a view of morality with these distinctive features within a non-sceptical naturalistic framework. I consider more carefully what moral naturalism requires. I distinguish between romantic and non-romantic approaches to the grounding of moral norms, and formal and material varieties of these approaches. I suggest that formal non-romanticism (FNR) provides a way of grounding moral requirements which is naturalistic but which does not depend on the provision of a theory of human nature. On this view, moral necessities are *sui generis* and are grounded in an awareness of the presence of another human being.

FNR is compared and contrasted to the dominant contemporary forms of moral naturalism. These are Kantianism, Humeanism and Aristotelianism. In general, these positions share a commitment to grounding moral claims on the deliverances of theory. Therefore I dub this family of views theoretical naturalism (TN). I explain what 'theory' means in this context, and show how such views account for Mary's appeal to moral necessity. Within the family of theoretical naturalism, Humeanism and Aristotelianism form a distinctive sub-set which I call rationalism. I compare and contrast their views, arguing that underlying their approaches is a shared presumption that an account of ethics is complete insofar as we have a full account of the panoply of human ends and the most effective means to their satisfaction.

Having explained the various alternatives available, I show that FNR is superior to its rivals. I argue that TN in general, in virtue of its conception of the role of theory in morality, cannot accommodate the fineness of morally good deeds.

Turning to the work of writers in the Wittgensteinian tradition I show how ethics is dependent on a sense of the human condition, rather than on a theory of human nature. In other words, to explain the fineness of fine deeds and the vileness of bad ones we need to aver to considerations about what it means for an individual to have been wronged, what pathos it has given our sense of life and what may come of it.

In memory of
Daniel Bolger
1985 – 2006

--how the blood
Left his young cheek; and how he used to stray
He knew not where...

- Keats, *Endymion*

DEDICATION

I know no word, I know not what to do,
But lingering all alone in grief,
Endlessly I weep upon my sleeves;
Do not my tears rise in clouds
And fall in rain...
- *Manyoshu*

This thesis is dedicated to the memory of Daniel Bolger, who drowned in the river Cam when he was 21 years old. He died five months after he and I took our bachelor degrees together. I remember that two weeks before his death I stayed with him in Cambridge and we stayed up late discussing Dawkins' book *The God Delusion*. When I heard that they had found his body I recall saying something awkward on the phone, and then sitting alone on the floor of my dorm room.

Two weeks later I wrote an essay titled 'Grief and the Limits of Language'. It began:

I would like to consider the silence that often accompanies grief or loss. Is this silence profound, in the sense of showing that something is unsayable... or is it rather just a failure of our abilities to express what we feel, something that could be rectified by the provision of a better repertoire of descriptions?

That essay was a failure. How could I talk about Dan in that way? If I had him in my mind when I wrote then I knew I couldn't let anyone read my work and criticise it. On the other hand, if I wasn't talking about (his) death in particular, but about death in general, then I couldn't see the point. I realised that I lacked the courage to approach the subject of death head-on in my writing, and wondered whether it was possible for philosophy to be a mode of suffering grief, instead of a means of understanding it.

Dan was a wonderful friend to me and so many others and after he died I would think about him often. When I felt sad or frustrated, I would remember and would be overcome with sorrow and shame over my conceit. Above all, I missed his laughter and the joys of being an undergraduate with him which, even a year later, felt like another world.

Then, on the most important day of my life so far, I forgot him. At my wedding I had a chance to raise a toast to Dan. We were in a building he knew well and amongst friends of his. But in the heat of the moment, it slipped my mind. Afterwards I remembered with some bitterness that I had written in my notes "the dead should be remembered in private, forgotten in public". The painfulness of the regret that I felt at having failed to acknowledge Dan at my wedding showed me what it meant to write something and be serious about it. When I wrote that the dead should be forgotten in public I was possessed by a sense of the awkwardness and inadequacy of acts of public remembrance. When I felt that I had let Dan down by not mentioning him on that day, I realised that sometimes we have to make do with the inadequate. After all, the dead must be remembered for the dead's sake, not for ours.

The most painful lesson in bereavement is that for the grieving life neither stops nor irrevocably loses its meaning. The desire to display one's wounds, to wear grief like a scar, is an attempt to delay the inevitable reassertion of ordinary life. Aware that everything,

even grief, fades, one may rail, hopelessly, against the continuation of the world.¹ One is caught aware of one's impotence in the face of the inexorability of time, as is anyone who having read the *Odyssey* remembers the line: "when she had her fill of weeping, her thoughts turned to food", which Weil discusses so beautifully.² Here is the thought, not only that words are inadequate to the *description* of experience, but that there are experiences such that words are inadequate to them as a response. Grief demands that everything ends, but nothing does. Happiness demands that an experience never end, but invariably it does. Soon, memories too lose their edge and fade, and, eventually, the imperatives of life reassert themselves.

Anyway, I intended this as a dedication to Dan but have found myself hardly talking about him at all. In part that is because Dan means nothing to most of my intended audience, and, as time goes on and experience calcifies my memories of him, increasingly little to me. In part, though, it's because I don't really know where to begin. Dan was a good friend and a kind person. He was loud and boisterous but also thoughtful and kind. If he had lived we might have become even closer – he was thinking of applying for a Masters at KCL – or perhaps we would have drifted apart. Now, all we can do is drift. I am grateful to have known him for the time that I did, and grateful for the experiences that we shared.

What I long for above all else is to talk to him again. It is the surprise of conversation, the sudden points of difference amongst the familiarity, that I miss the most. This is not made any less sorrowful for the fact that were Dan here, there is nothing in particular that I would say to him. I don't want to describe the feeling of grief (for which perhaps ostensive definition would do), but to trade words for grief, somehow to bring him back.³ Of course, words could never do that. Perhaps, then, Instead of writing this, I should just have said that I miss him. But what need would there be for philosophy for me, in that case?⁴ Perhaps I should just say it, and leave it at that:

I miss him.

¹ Cf. Auden's poem 'Funeral Blues' in his *Selected Poems*, which I read as a *reductio* of the romantic aspiration that the world should end at death.

² Homer, *Iliad*, Book XXIV; quoted in Weil, 'The Iliad' in *Anthology* p.190. Weil's contention here is in fact that nature can "erase the whole inner life" when vital needs are at stake. I take a weaker point from the passage; that certain elements of our inner life, which we may feel are essential to them, remain vulnerable to being overturned or submerged by the reassertion of natural necessities.

³ For example, Sehnsucht, the Korean concept of han (한)&c. – these are learnt by a kind of ostensive definition made possible by poetry. The feeling of the insufficiency of words comes out in the individual, alone with their grief, whose emotions outrun their expressive powers and who yearns for a way of giving his experience its due.

⁴ It may be said that philosophy is just a replacement for those things that I want to say to others but find that I can't. One wonders what work the 'just' is doing in this context. But even if philosophy is only ever a displacement of grief, it may have value nevertheless. It needn't therefore be only a talking cure. Indeed, as a talking cure philosophy would not be very effective, for it suffers the defect common to many such cures of being both addictive and as debilitating as the condition that it purports to treat.

LIST OF ABBREVIATIONS

<i>ACH</i>	R. Gaita, <i>A Common Humanity: Thinking About Love and Truth and Justice</i>
<i>CoR</i>	S. Cavell, <i>The Claim of Reason: Wittgenstein, Scepticism, Morality, Tragedy</i>
<i>CoW</i>	S. Cavell, <i>Cities of Words</i>
<i>CPrR</i>	I. Kant, <i>Critique of Practical Reason</i>
<i>EA</i>	P. Winch, <i>Ethics and Action</i>
<i>ELP</i>	B. Williams, <i>Ethics and the Limits of Philosophy</i>
<i>EPM</i>	D. Hume, <i>Enquiry Concerning the Principles of Morals</i>
<i>GE</i>	R. Gaita, <i>Good and Evil: An Absolute Conception</i>
<i>GMM</i>	I. Kant, <i>Groundwork of the Metaphysics of Morals</i>
<i>MSH</i>	B. Williams, <i>Making Sense of Humanity: & Other Philosophical Papers 1982-1993</i>
<i>MVR</i>	J. McDowell, <i>Mind, Value & Reality</i>
<i>NE</i>	Aristotle, <i>Nicomachean Ethics</i>
<i>PASSV</i>	<i>Proceedings of the Aristotelian Society, Supplementary Volumes</i>
<i>PI</i>	L. Wittgenstein, <i>Philosophical Investigations</i>
<i>RMF</i>	R. Gaita, <i>Romulus, My Father</i>
<i>SN</i>	B. Williams, <i>Shame and Necessity</i>
<i>TJB</i>	P. Winch, <i>Simone Weil: the Just Balance</i>
<i>TMS</i>	P. Winch, <i>Trying to Make Sense</i>
<i>TPD</i>	R. Gaita, <i>The Philosopher's Dog</i>
<i>TRS</i>	C. Diamond, <i>The Realistic Spirit</i>
<i>VE</i>	R. Hursthouse, <i>On Virtue Ethics</i>
<i>VV</i>	P. Foot, <i>Virtues and Vices: And Other Essays in Moral Philosophy</i>
<i>WPD</i>	R. Rhees, <i>Wittgenstein and the Possibility of Discourse</i>

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1 INTRODUCTION

If man did not imperiously close his eyes, he
would finally be unable to see the things
worth seeing.

- Foucault, *Preface to Transgression*

1.1 PRELIMINARY REMARKS

The goal of this thesis is to elaborate and defend an account of moral naturalism which is non-theoretical and, on which, moral imperatives are grounded in our awareness of the *humanity* of the individuals to whom we respond.⁵ In this section I will briefly describe what this involves.

Compare the following two descriptions of morality:

1. Morality is a system of norms designed to harmonise the behaviour of individuals, in order to ensure that we can each pursue our own ends free from unnecessary interference (or fear of interference) from others. In this respect, morality is an evolved tool which can be understood (as with other tools) in terms of the purpose that it is designed to serve. Insofar as we understand that purpose we can critique morality's current shape by questioning whether it is effective in achieving its ends. Furthermore, if one does not share morality's purpose, then it is legitimate to question why morality should be authoritative for oneself.
2. Morality consists in patterns laid down in nature. There are two such patterns, goodness and evil, and the punishment for wrongdoing is that the wrongdoer comes to resemble the pattern of evil. Understanding the nature of goodness involves recognising the desirability and fineness of a life in conformity with its requirements. To someone who has seen goodness, no other kind of life is desirable. Even if a life in conformity with morality's demands involves the frustration of one's naturally given purposes, it nevertheless remains unquestionably the finest, and the fact that a certain action is good remains a decisive reason in favour of so acting.

⁵ I would like to thank the participants of the *Colloquium on the Modalities of the Good* in Prague, 2009 for helpful discussion of many of the issues in this thesis. In particular, I'd like to thank Marina Barabas, David and Maureen Cockburn, Chris Cordner, Lars Hertzberg and David Levy.

This gives us a rough characterisation of two different approaches towards morality. (The former is typified by Hume, the latter by Plato.⁶) If we add into 2 the stipulation that the pattern laid down in nature has its purest expression in heaven, and that the content of morality's requirements are given by divine fiat, then we have a description of the theological doctrine of natural law.

In what follows I hope to resist approaches to morality of kind 1. We may call these scientific in that they treat morality as a human phenomenon to be understood by relating to our naturally given purposes. I do not think that accounts in these terms are false, but only that they miss out an important aspect of moral understanding. In other words, while an empirical account of the ends characteristic of our species may be *necessary* for a complete understanding of ethics, such an account is not *sufficient*. An account of morality in terms of the panoply of human ends, and the most effective means to their satisfaction, neglects the fact that morality is (in Stocks' term) a 'further principle of discrimination' on top of our purposes.⁷ In other words, the concepts of the effective and ineffective cannot explain the concepts of good and bad, right and wrong.

However, insofar as approaches of kind 2 postulate the existence of a divine law giver in order to explain the content of moral requirements, they are equally intolerable. Such dogmatism leads naturally to scepticism about morality. Furthermore, we ought to be able to distinguish the mysteries of goodness from those of faith. The question then becomes whether we can give an account of morality which is sympathetic to the ideas of 2, but which acknowledges a connection between the requirements of goodness and our empirically given ends.⁸

Kant's project in morality can be understood as trying to steer a course between these two options.⁹ He wants to retain the idea that moral requirements are different in kind from those which are a product of our naturally constituted ends, and that duty trumps all demands of prudence or happiness. However, he is equally keen to avoid what he saw as the dogmatism and laziness of the natural law tradition, especially those for whom reason

⁶ Cf. Hume, *Treatise*, passim; *Enquiry*, passim; Plato *Theaetetus* 176e,ff.

⁷ Stocks, *Morality and Purpose* p.27

⁸ For Plato, this problem becomes the question of whether those who have the best understanding of goodness will also be the most successful in their ordinary pursuits. He suggests that they will be; both because their knowledge of goodness makes them better able to understand and respond to changing circumstances, and because it provides them with an internal harmony and tranquillity which makes them more effective in whatever projects to pursue. Cf. *Republic* 527ff, 601ff, &c. Whether Plato can justify this contention is another matter.

⁹ Compare Korsgaard, 'Kant's Analysis of Obligation: The Argument of Groundwork I.' in *Monist* (July 1989), 72(3):311-340

could provide us with rules for conduct with determinate content, merely by being attuned to the will of a divine being, and without reference to the evidence of the senses.¹⁰

In what follows I try to find an alternative to the Kantian compromise. I suggest that, in the work of contemporary writers in the Wittgensteinian tradition, we can find a naturalistic conception of morality which avoids the twin dangers of scientism on the one hand and dogmatic non-naturalism on the other. Such a view, I will contend, allows us to capture what is right in both views 1 and 2 above. Rather than starting, as Kant does, from a (theoretical) conception of the human subject in which moral imperatives are to be grounded, such an approach locates moral imperatives in the demands made on us by the presence of a fellow human being. This account is both non-reductive and non-theoretical, and emphasises that our moral requirements do not depend on either conformity with our purposes, or coherence with a philosophical conception of the human subject.

In the remainder of this section I will give some initial remarks to explain the sense of 'human being' relied on in the expression 'the presence of a fellow human being'.

Our instinctive attitudes towards other human beings differ in kind from those towards other animals, or forces of nature.¹¹ These differences are interdependent with our viewing humans as potential companions, of a different kind to the companionship which can be found in communion with the natural environment.¹² The company of human beings is marked out by the possibilities of interaction – notably conversation – which are of a kind that they not only serve purposes but determine them, and sometimes leave them behind altogether.

The purpose of conversation is not only to exchange knowledge, but also to deepen our sense of life and its possibilities.¹³ Conversation presupposes that an individual have a perspective on the world which they can bring to bear. Its characteristic idioms include expressions such as 'can you really mean that?' and 'anyway, this is how it seems to me'.¹⁴ Confrontation with another's point of view can be destabilising – it may upset my confidence that everything has been seen, in a situation, or that everything has been understood.

¹⁰ E.g. Locke, *Second Treatise of Government*, §§6ff.

¹¹ Weil, 'The Iliad' p.187

¹² Cf. Gaita, *GE*, ch.10; Hertzberg, 'Gaita On Recognizing The Human' in C. Cordner (ed.) *Philosophy, Ethics and a Common Humanity*; Winch, 'Eine Einstellung zur Seele' in *TMS*, Wittgenstein, *PI* §283ff.

¹³ Rhees, *WPD*, p.11; Winch 'Particularity and Morals' in *TMS*.

¹⁴ Gaita, *GE* p.274ff.; 'Wittgenstein's Builders' in Gaita (ed.) *Value and Understanding*.

It is because human beings are such perspectives on the world that they have a singular power to alleviate loneliness. (That loneliness, and the joy of conversation, is dramatised in the *Philoctetes*: “Who are ye? Speak! If I may trust that garb, familiar once to me, ye are of Greece, my much-loved country. Let me hear the sound of your long wished-for voices...”¹⁵)

Our notion of the human is not limited only to those with whom we can converse. Accidents of constitution or location may make conversation impossible. Nevertheless, the postures that we take towards other humans, even those with whom we know no conversation is possible, show that our sense of their humanity is intertwined with our understanding of them as living, as we do, lives in which questions about the meaningfulness or otherwise of experiences and our relation to them can be raised and discussed.¹⁶

In the sense in which the human means *homo sapiens* (say, a being which ordinarily has 23 chromosome pairs) there is nothing inconceivable about finding conversation partners who are not human beings, as in the familiar trope of the rational Martian. However, Martians who can converse (with each other in the first instance, and perhaps with us as well) might be said – in a non-anthropocentric sense – to display human characteristics, to show that, despite biological differences, they and we share certain elements of a common nature. That suggests, therefore, that we have a conception of the human – of what Wittgenstein called ‘the humanity in a man’ – which is not equivalent to the biological classification *homo sapiens*.¹⁷

In this thesis I am interested in understanding this conception of ‘the human’, and its relevance for moral philosophy. I imagine a scenario in which an individual appeals to the *humanity* of another to explain and justify their being morally required to help them. I aim to substantiate the contention (which I take from the work of Raimond Gaita) that an elaboration of this sense in which one might talk of a person’s humanity (or lack thereof) is one which pairs naturally with talk of the *human condition*, rather than the empirical question of the existence and characteristics of *human nature*.

To speak in this context of the human condition is to make reference to considerations within what Gaita calls ‘the realm of meaning’. We may see this if we consider a case of an individual responding to the suffering of another. In order to explain the fittingness of a

¹⁵ Sophocles, *Philoctetes* p.47

¹⁶ Cf. Cockburn ‘Human Beings and Giant Squids’.

¹⁷ Gaita, *GE* pp.114ff.; Winch ‘Eine Einstellung zur Seele’.

compassionate response, one may appeal to the imaginative ability to understand not only the ways in which human beings may suffer, and not only the material consequences of suffering, but also what that suffering *means*. Suffering affects, often radically, an individual's ability to carry out their projects, and can make even mundane life intolerably unpleasant. But its pathos is not merely a matter of its practical effects but of its appearing in the context of *a human life*. That is not just a matter of determining how things *will be* for this person; it also depends on thoughts about how things *might have been* for them, had things gone differently. In this way, questions of the significance of a certain condition supervene upon, but are not determined by, its material consequences.

Therefore, the results of empirical investigation may inform, but cannot determine, our sense of the fineness of good deeds and the vileness of bad ones. A careful study of the things that human beings need by virtue of their nature, and the ways in which modern life may in various ways fail to serve those needs, may help us to discover harms (and solutions to the problems these harms pose) to which before we were blind. However, no amount of reflection on the empirical consequences of harms will take one to a sense of the terribleness inherent in wrongdoing, and *a fortiori* to an account which captures the distinctive *content*, and the special *authority*, which are characteristic of moral demands. Moral theory is as irrelevant to an understanding of morality as a theory of pain is to an understanding of the possible depths and significances of human suffering.

1.2 AIMS OF THE THESIS

In this section I offer an outline of the main aims of this thesis.

There is a conception of morality on which the concept of 'the human' can only be relevant to the grounding of our moral responses insofar as it is taken to be equivalent to 'being with interests', together with some specification of what makes certain interests relevant to morality. Since on this view the moral subject is essentially a being with certain properties (and only accidentally a human being) we may dub it *eliminativism*. According to eliminativists, the concept of the human will not be mentioned in a completed moral theory.¹⁸

Typically, those who recoil from eliminativism do so by attempting to provide an elaboration of human nature which will explain and justify moral norms, and on which the concept of 'the human' is not amenable to reduction. In this way, morality is a natural

¹⁸ Perhaps the most famous elaboration and defence of *eliminativism* is Singer, *PE* ch.3. But cf. also Kant, *GMM*4:437; *Religion within the Limits* 21; *Metaphysics of Morals* 392, 447-8. In general, Kant and Singer share the same conception of the nature of the human subject.

phenomenon peculiar to the species *homo sapiens*, and a completed theory of it will form part of a completed scientific description of the creatures that we are. The predominant approaches in this tradition are Aristotelianism and Humeanism.

Both Anscombe and Williams give an argument in favour of such approaches on the grounds that they are the only way to accommodate morality within a naturalistic world-view. Since such views are committed to grounding moral norms in a theoretical elaboration of the human, we may call them instances of ‘theoretical naturalism’ (TN). According to Williams and Anscombe, their respective versions of TN provides the only contentful and coherent form of naturalism.

It is a hallmark of TN that such views have difficulty accounting for certain elements of moral experience. Williams and Anscombe acknowledge this, and insist that therefore those elements of morality ought to be either reinterpreted in error-theoretic terms, or else rejected. The plausibility of this response is dependent upon the plausibility of naturalism and an argument by elimination for their version of TN over its rivals. That argument by elimination works by considering and rejecting every other form of moral naturalism.

In what follows I will assume the truth of naturalism, though I will also clarify what moral naturalism does and doesn’t entail. Since both Anscombe and Williams fail to consider the possibility of a non-theoretical naturalism, their argument by elimination contains a crucial lacuna.

In this thesis I expand upon the work of a series of writers who (as I read them) offer a way of avoiding the twin poles of eliminativism and TN.¹⁹ I argue that we can ground moral necessities in the way in which individuals are affected by the presence of a *fellow human being*. For reasons that will become clear, I call this view ‘formal non-romanticism’ (FNR). This approach is non-theoretical and yet naturalistic, and can take the distinctive phenomena of moral experience at face value.

Having demonstrated this, I give an argument by elimination for the superiority of FNR over its rivals. I argue that FNR is simpler than TN because it takes moral phenomena at face value and doesn’t try to reject them or re-read them in error theoretic terms.

The aims of this thesis are fourfold: (a) to give a characterisation of moral necessity which shows why its requirements appear to present a special problem for naturalism; (b) to show that it is possible to reconcile naturalism and the distinctiveness of the moral ought

¹⁹ The *loci classici* are Diamond, *TRS*; Gaita, *GE*.

(by grounding moral demands in our understanding of the demands of *fellow human beings*); (c) to show that this possibility undermines the main argument in favour of TN; (d) to give an argument by elimination for the superiority of FNR over its rivals.

1.3 ARGUMENTATIVE STRUCTURE

With those aims in mind, the structure of this thesis is as follows:

Chapter 2 – An imagined example of an appeal to *the human* to justify a putatively *morally necessary* course of action (Φ -ing) is introduced (§2.1). The difference between an individual who sees Φ -ing as necessary and one who doesn't is explained in terms of a difference in understanding of the *meaning* of what is done (§2.2). After that, the relevance of 'the human' to the case is questioned and defended against *eliminativist* tendencies (§2.3). The intelligibility of practical necessity is questioned (§2.4) and a challenge is offered to the idea that a judgement that Φ -ing is necessary could be the product of a deliberative inference (§2.5). An exposition is then given of Anscombe's argument that the only sense of necessity that could be operative in moral contexts is the "ordinary" sense in which a course of action may be said to be practically necessary, and that therefore the problem of §2.5 is not peculiar to the putatively morally necessary (§2.6). Anscombe's conception of practical necessity is compared to Williams' rejection of the 'morality system', and his case of Gauguin is introduced as a further challenge to the idea that there is a special moral ought (§2.7). The arguments of §2.6ff are summarised under a commitment to 'the *homogeneity of the ethical*'. This view is explained, and its rationale is offered – the belief that such a view offers the only plausible form of *moral naturalism*. Both the view and its rationale are repudiated. The family of positions dubbed '*theoretical naturalism*' (TN) is introduced. The structure of Williams' and Anscombe's argument by elimination for the homogeneity of the ethical is given (§2.8).

Chapter 3 – In order to respond to the challenges of ch.2, an account is needed of the putative distinctiveness of moral necessity. This chapter offers such an account. The chapter begins by drawing a distinction between morality's *content* and *authority* (§3.1), and a further distinction is drawn between moral attitudes from the point of view of the *agent* and *recipient* (§3.2). I take four features to be characteristic of moral judgements. These are: *confidence*, *importance*, *inescapability* and absence of *resentment*. These are introduced and discussed from both points of view (§3.3). I then go on to consider the sense in which moral requirements are *personal* (§3.4). A distinction is introduced between moral judgements *before and after the fact*, and the importance of the latter is stressed against a tendency to privilege future-oriented judgements (§3.5). Finally, the

methodology of the chapter is explained and defended in the light of the naturalistic challenge of ch.2 (§3.6).

Chapter 4 – The argument by elimination for the homogeneity of the ethical offered in §2.8 depended upon the presumption that certain forms of TN are the only viable versions of moral naturalism. This chapter gives a definition of naturalism and sketches the forms it might take. A two part definition of naturalism is given (§4.1). The definition is further clarified through examples of non-naturalism (§4.2). The various forms of naturalism are then displayed, through a distinction between *romanticism* and *non-romanticism*. A sub-family within TN, labelled '*rationalism*', is introduced and defined. The various forms of TN are defined in terms of their commitment to a reduction of moral necessity to the categories of the *physically/rationally necessary* (§4.3). *Formal Non-Romanticism* (FNR) is then introduced and elaborated. It is maintained that this view provides an alternative to TN, and that the argument by elimination of §2.8 is therefore undermined. FNR's commitment to moral necessity as *sui generis* is explained (§4.4).

Chapter 5 – A crucial premise of the argument by elimination for TN is the supposition that moral naturalism must be theoretical. FNR is a non-theoretical form of naturalism. This chapter gives an analysis of what it means to call an account of morality 'theoretical', and examines some of the variations within TN. *Moral theory* is defined and its apparent attractiveness explained (§5.1). Two distinctions are drawn; firstly, between *reductive* and *non-reductive* forms of TN (§5.2) and, secondly, between *direct* and *indirect* forms of TN (§5.3). The nature of the category of the psychologically necessary within indirect TN is then elaborated. It is shown how indirect TN can exploit the category of the psychologically necessary to account for moral necessity (§5.4). The various forms of TN and its FNR rival are compared in terms of their answer to the problem of §2.5. It is suggested that FNR is superior to TN in virtue of being able to take the features of moral experience of §3.3 at face value, while respecting the naturalistic intuition (§5.5).

Chapter 6 – In the remainder of the thesis an argument is given for the superiority of FNR over its TN rivals. Chapter 6 argues that rationalism cannot take at face value the confidence, inescapability and absence of resentment elements of moral experience from the perspective of the agent, and that FNR can. Humean and Aristotelian forms of rationalism are introduced and compared (§6.1). It is argued that an account of moral necessity in terms of the artificial virtues is inadequate. The advantages of a characterisation of moral necessity in terms of the natural virtues are explained, and that position is shown to be a form of non-reductive naturalism. A critique of this position is

postponed until later (§6.2). Instead, Aristotelianism is considered. Reductive Aristotelianism is shown to fail for the same reason as Humean accounts of the virtues as artificial. Non-reductive Aristotelianism is explained and shown to be a form of naturalism (§6.3). It is then argued that even in its non-reductive forms, neither variant of rationalism can take at face value the three distinctive features of moral experience under consideration (§6.4). By contrast, it is claimed that FNR can take these features at face value (§6.5).

Chapter 7– This chapter argues for the inadequacy of TN by demonstrating that it cannot accommodate the three features of moral experience mentioned in ch.6 when considered from the point of view of the recipient of moral goodness. The case of §2.1 is modified and discussed, in order to show what gives Mary's action its distinctive value. It is contended that morally good actions answer a need which human beings have for *recognition* (§7.1). The corollary of the value of morally good deeds is the disvalue of moral wrongdoing, which is connected with *dehumanisation*. The common denominator in these cases is the concept of the *familiar*. It is suggested that in certain cases moral value is a product of a personal connection between two individuals. The challenge for TN is to give a convincing account of these concepts and their importance for moral value (§7.2). A case from Williams is introduced which is used to suggest that TN's picture of moral value cannot account for genuine personal relations (§7.3). The complaint of §7.3 is shown to be an instance of *moralism*, in Diamond's use of that term. Two examples of moralism in TN are given (§7.4). The charge of moralism is then developed through an exegesis of Cavell's criticisms of Rawls (§7.5). The lessons of the preceding discussion are summarised. It is shown that the common denominator between Williams, Diamond and Cavell is an attempt to *naturalise justification*. The consequences of this for TN are demonstrated. It is argued that Williams' position avoids moralism and is a rival to FNR (§7.6). Finally, the concept of the familiar is returned to and its relations to considerations of purpose are demonstrated. FNR is shown to be consistent with a conception of morality partially dependent on the concept of the familiar (§7.7).

Chapter 8 – The inadequacy of TN is demonstrated through its inability to account for the distinctive importance of moral considerations. This is demonstrated through an analysis of the concepts of *remorse* and *forgiveness*, which combine the points of view of the agent and recipient. Gaita's analysis of the concept of remorse is given and elaborated upon. The role of forgiveness in silencing remorse is noted (§8.1). It is demonstrated that TN cannot make sense of the appropriateness of the attitude of the remorseful (§8.2). The lessons of the previous section are then generalised into a claim about the ability of TN to

accommodate our attitudes towards the past (§8.3). It is shown that FNR *can* accommodate the feeling of remorse and our potentially unending responsibilities for reflection upon, and remembrance of, past misdeeds (§8.4).

Chapter 9 – The argument of the thesis is recapitulated in brief (§9.1) and some speculative remarks are offered for directions for future research (§9.2). Finally, I offer some concluding remarks about the concept of the human in moral philosophy (§9.3).

2 INSUFFICIENTLY HUMAN?

The pity of the saint is pity for the *filth* of the human, all-too-human. And there are grades and heights where pity itself is regarded by him as impurity, as filth.
- Nietzsche, *Beyond Good and Evil*

In this chapter I introduce the example of two individuals (Mark and Mary) who are confronted by an injured stranger and react in very different ways (§2.1). I discuss some features of this case, and suggest that it gives us an example of a *morally necessary* response, one which is grounded in the agent's sense of the *humanity* of the individual by whom they are confronted. How one might give an account of those concepts which does justice to our sense of the differences and similarities between Mary's position and Mark's, is the central question for this thesis as a whole. After introducing the case I discuss, in turn, scepticism over the appeal to the human (§2.3) and over the appeal to the morally necessary (§2.4). A special problem for explaining the appeal to moral necessity in this context is introduced and four possible responses to it are outlined (§2.5). I then discuss a contention, shared by both Anscombe and Williams, that all practical modalities are grounded in an individual's ends, and that therefore there is no such thing as the distinctively *morally necessary* (§§2.6-8).

2.1 MARK AND MARY

Consider the following case:

Mark and Mary are rushing to the opera. Crossing the road near Covent Garden they come across a cyclist who has been knocked off his bike and is lying, injured, on the side of the road. No other passers-by have stopped to help. Mary immediately goes over to check if he is alright, and, sitting next to him, waits with him for the ambulance to arrive. Mark, realising that they do not have time to help the cyclist and also make the first act of the opera, urges that they leave. To this, Mary retorts: 'I *can't* just leave him here; he is a *human being* after all!'²⁰

It is important that Mary describes her action as having been *necessitated* by the circumstances; in other words, that the requirement under which she is placed is different

²⁰ This example is adapted from Winch, 'Who is my Neighbour?' in *TMS*.

in kind both from considerations of what she happens to want, and from what she judges she ought to do. As I will show, the necessity operative in Mary's judgement resists analysis into a claim about what she most desires, or has most reason to do.

The claim that the morally necessary is *sui generis* in this way is lent initial plausibility by the discernible difference in tone between an appeal to what one *must* do by contrast to what one *ought* to do. The latter invites Mark to reply to Mary by getting her to consider more carefully the consequences of her action, in the hope that this may provide considerations which tip the balance in favour of leaving. An appeal to necessity, by contrast, cuts off such reflections at source. It declares that leaving is simply not an option, and considerations that would speak in favour of it have no speaking role to play in this circumstance.²¹ The difference in force contained within the form of words 'I can't' indicates that from Mary's point of view there are not two rival and commensurate courses of action from which to choose.

Mary explicitly appeals to the concept of *the human* in order to explain why she has stop to help. The concept of the human is not operative in her deliberation about what to do (which one may imagine proceeding along the following lines: 'should I call an ambulance? Should I check his pockets for a phone to call his family?' &c.), but she invokes it when she is challenged by Mark's impatience to justify staying with the cyclist. In that way, the fact that there is a human being in need closes off the range of options available to her.

Thus, the concepts of the human and of the necessary are related in Mary's compassionate response to the needs of the cyclist.²² Mary takes the fact that the wounded man is a human being both to explain and (in some sense) to justify her contention that she *must* stay with him.²³ The question with which we are left is how to understand both the incapacity operative here, and also the concept of the human which explains the necessitation in question and warrants its invocation by Mary in these circumstances.²⁴

²¹ But cf. §§3.42 & 7.3 for an important caveat to this.

²² The appeal to necessity and its connection to the human was urged by Winch in his 'Who is My Neighbour?' p.157, and cf. Gaita, *GE* ch.7. The goal of this thesis is to elaborate on their discussions and to show how this exhortation is consistent with naturalism, against complaints such as Cottingham, 'Partiality and the Virtues' in Crisp (ed.) *How Should One Live?*.

²³ I say 'in some sense' because the relevance of the language of justification here is debatable – cf. §7.6.

²⁴ I use the term 'invocation' here advisedly. I do not say the 'application of the concept of necessity to Mary's case', because this form of words would imply that what is at stake is some fact of the matter which can in principle be determined by a third party and which does not essentially relate to Mary's *act* of declaring an impossibility here. On the contrary, the act of making the declaration may be partially constitutive of that which makes the claim true. Cf. Winch 'Who is My Neighbour?' p.159; 'Miss Anscombe's Moral Philosophy'; Williams, 'Practical 'Necessity' in his *Moral Luck* p.130;

2.2 MARK'S INTRANSIGENCE

Mark is, we may assume, intransigent to Mary's appeals; whatever she says, he will not be inclined to stay and help. This unsettles her, because her confidence in the appropriateness of her response is such that it entails that Mark too must see the same, that in these circumstances *anyone* would do as she does.²⁵ Here, unlike in certain matters of taste, we cannot be blasé about the possibility of divergence in attitudes.²⁶ Mary finds it incomprehensible that Mark could walk away from this person in their need. She wonders what it is that he thinks he sees, what misunderstanding is he under, such that he believes himself free to walk away. She points out what must be blindingly obvious to everyone, what cannot be in doubt, that this cyclist needs help, that he is injured (and who knows how badly?). Mark agrees, and wants to leave. She persists: it is a *human being* you would leave here.²⁷ Why persist in this way?

Mary does so because she feels that if he can leave then in some sense he has not understood what is going on. But in what sense can Mark's desire to leave be characterised as a failure of *understanding*? Generally speaking, when one sees another person making a mistake over a matter of fact, some further reason is needed to justify interfering to prevent them making that mistake. That reason might be only that the person would welcome the interference if given a choice, or it might be that in these circumstances they are under a special obligation not to make mistakes, which makes them vulnerable to interference if they fail in that responsibility. (In this way, a surgeon must do his utmost to avoid accidents in surgery, and must be prepared to be interrupted by his colleagues if it is

'Moral Incapacity' in his *Making Sense of Humanity*. This issue is complex. By calling it an 'act' I do not mean to imply that it is something that can simply be chosen, whatever the circumstances. That would be a first personal version of what McDowell calls the "insane thesis" that someone could oblige another to Φ simply by uttering the words 'you should Φ ' (cf. 'Are Moral Requirements Hypothetical Imperatives?' in *PASSV* (1978) Vol. 52p.14.) In other work I have compared these necessities to what Wittgenstein calls 'spontaneous expressions' (Cf. *PI* p.168e). That there is no further fact beyond the declaration in which the necessity is grounded is part of what is involved in calling it (as I do) *sui generis*. A fuller account of this would compare this to the connections between love and the act of declaring it. Cf. §§7.3 & 9.2

²⁵ Gaita, *GE* ch.15. But cf. §3.4ff. This purported universality of moral judgements is often taken to be one mark of the moral; cf. Herman 'Integrity and Impartiality' p.246.

²⁶ In what follows I use 'attitude' in Winch's sense; cf. 'Eine Einstellung zur Seele' in *TMS*. On this conception, 'attitudes' are not to be taken to be non-conceptual states which contrast with beliefs. Rather, attitudes may involve both judgements and an individual's demeanour or posture towards another. It is cognate with the German term 'Einstellung'. For an example of 'attitude' as used in this sense, cf. Keats 'Ode on a Grecian Urn'; "Oh Attic Vase! Fair attitude..."

²⁷ Here the italicisation suggests that a crucial element of this appeal is the tone in which it is said. As in the exclamation 'what a life!' or "what a piece of work is a man; how noble in faculty..." &c. Gaita *GE* ch.15. Of course, some would see the addition of tone here as merely the addition of rhetoric.

clear that he is doing something wrong. And we are all under a civic obligation to ensure (as best as we can) that we do not make errors in driving on public highways.)

In a case where there are no special responsibilities on an individual, they may legitimately resent interference from a third party. It is a perfectly intelligible attitude to want to be free to make one's own mistakes, and even to know that a certain course of action is mistaken but to want to pursue it anyway.

However, as Wittgenstein observed, no such attitudes are coherent in the case of moral wrongdoing. One cannot say 'I know I am behaving badly, but I am not interested in behaving any better', and expect that to function as an exculpation from criticism by morality's standards. This suggests, either that wrongdoing is not an instance of cognitive error, or that there is some special responsibility attendant upon us in moral contexts which shows why wrongdoing cannot be chosen in this way.

However, problems remain with seeing morality as a product of a special responsibility, most notably that it is unclear how to describe this responsibility in terms that Mark will recognise and accept. The retort, either implicit or explicit, 'but why should I?' demands that a demonstration be given, in terms of some features of Mark or of his circumstances, which will show the necessity of this course of action for him.²⁸ That leaves Mary searching for some feature of the situation to which she can draw Mark's attention, some fact about himself or the cyclist which he has neglected. As Cavell has noted, this places Mary in the position of an educator, and connects her confidence in the course of action she proposes to her confidence in finding some feature of the situation which shows Mark to be wrong. But Mark is (or at least appears to be) just as competent a judge of the situation as Mary is, and (it seems that) there are no facts of the situation which Mary recognises and of which he is unaware, which would make the difference between them.²⁹

Mark threatens Mary's confidence precisely because, as a human being, in many deep and important respects her fellow, she cannot simply dismiss him as incompetent. For this reason, she may view Mark with incomprehension verging on horror (hence the tone which pairs naturally with the exclamation 'what are you suggesting?'). As I argue later, Mark's intransigence in the face of the cyclist's suffering cannot be settled by reference to some principle, since his challenge may just as well apply to Mary's principles (if she has

²⁸ One way of characterising the modernist problem of the authority morality is that, in the absence of belief in God, the challenge 'but why should I?' can always in principle be raised.

²⁹ As Gaita puts it, in the workaday sense of 'facts' in which a judge might say 'stick to the facts please', there is no difference between Mark's competence to judge the facts, and Mary's. Gaita *GE* p.333.

any) as much as to her decision.³⁰ Mary at once understands what Mark suggests and yet cannot understand it, for she cannot see how he can see the situation in a way in which the cyclists needs do not overwhelm everything else.

In the light of these disanalogies between moral and other forms of cognitive failure, there are two directions in which one can go. On the one hand, non-cognitivists will take the possibility of such divergence to indicate that the difference between Mark and Mary should not be characterised as a matter of understanding at all, but is rather a difference in desire. On the other, cognitivists urge that we need a better conception of the conditions under which in moral contexts, an individual counts as having understanding; such a conception will explain how Mary understands, and Mark fails to understand, what is going on.

There is a large literature in defence of both cognitivism and non-cognitivism in morality.³¹ It is in defence of a cognitivist reading of moral difference that McDowell says that someone who acts immorally “hasn’t understood what they are doing, in a loaded sense of understanding”.³² That phrase, with its crucial caveat (“in a loaded sense”) expresses the conflicting tendencies to see Mark’s condition both as, and as not, a failure of understanding.³³ McDowell’s contention is consistent with Mark having a workaday understanding of what is going on, but only because ‘understanding’ is a scalar concept; there are greater and lesser degrees of understanding, and Mary’s cognition of the situation is deeper than Mark’s.

McDowell’s response depends on giving an account of what it means to appeal to a loaded sense of understanding without surreptitiously imparting considerations that undermine cognitivism. It is a notable weakness of McDowell’s account that he gives no detail of what a ‘loaded sense’ of understanding would be. In this thesis I follow Gaita in giving an explication of a loaded sense of understanding in terms of considerations within what he calls “the realm of meaning”. In other words, the difference between Mary’s response and Mark’s is not to be characterised in terms of an awareness on Mary’s part of some *facts* of

³⁰ And what I will suggest later is that principles (and theories) are inadequate and unnecessary here. Gaita gestures at this when he describes his father as a man with no principles.

³¹ For contemporary defences of non-cognitivism cf. e.g. Blackburn, *Ruling Passions*; Hibbard, *Wise Choices, Apt Feelings*.

³² ‘Are Moral Requirements Hypothetical Imperatives?’ pp.21-22

³³ Indeed, on any cognitivist picture that takes blame to be an appropriate response to moral wrongdoing, and that holds that a failure to understand what one was doing can be exculpatory, ‘understanding’ must have two senses. The person who is blameworthy for acting wrongly both understood what they were doing (to the minimal level required for moral responsibility) and failed to understand what they were doing (as otherwise they would have been incapable of acting wrongly).

the matter, but rather in terms of what those facts *mean* to her – her sense of what it is to be injured, and to suffer from that injury – of what it means to die alone, and therefore of what it means to live a life in which one avoided that fate through the intervention of others, and so on.

This naturally invites the question of whether differences within the realm of meaning are cognitive differences, and, if so, whether that licenses the assertion that Mary's understanding of the situation is *better* than Mark's. It seems strange to say that a matter of seeing things as having or lacking a certain meaning is non-cognitive. But it would be equally misleading, I think, to characterise Mary's sense of the possibilities and Mark's as standing on a scale such that the difference between them is incremental, and such that their degrees of penetration into the phenomena are commensurate. On the face of it, the difference between Mark and Mary is not analogous to the understanding of a mathematical function possessed by a first year student and her professor. Mark does not need to see himself as deferring to Mary's greater insight, or even to recognise that there might be authorities whose understanding of such matters outstrips his own.³⁴

One way to put the question of whether Mary's is in a cognitively better position than Mark would be to ask whether an omniscient being would necessarily see things as Mary does, and whether such a being would also have to see things as Mark does. (Whether, that is, Mark sees a different aspect of the situation, or whether he sees the same aspect but less well.)

I think that the sense in which Mary's understanding is 'deeper' than Mark's is one which is itself morally loaded. In other words, it is a moral defect not to see things as she does, but it is not as if a being which was only interested in being epistemically responsible (in knowing all the facts that there are to know) would have to share her vision of the possibilities here. Later, I suggest that the critical categories applicable here are those of relative 'depth' and 'shallowness' of an outlook. (§8.2.) This may allow us to capture what was correct in the cognitivist intuition without making immorality into an error of judgement. However, whether this is right or not is incidental to my main purposes here, which is simply to demonstrate the distinctiveness and viability of an approach to moral necessitation (and to moral difference) which grounds such modalities (and explains such differences) in terms within 'the realm of meaning'.

2.3 'THE HUMAN IS NOT RELEVANT'

³⁴ This is reflected in Gaita's observation that in morality there are no experts; *GE* pp.18-19.

Within the framework of the debate between moral cognitivism and non-cognitivism, the thought that Mary's response could be justified by reference to the fact that the cyclist is a *human being* begins to seem puzzling. After all, that is naturally understood to be a reference to some property which the cyclist has, which justifies his being helped and which warrants Mary's distinctive concern for his plight. However, as Peter Singer famously insisted, we need to give an account of the sense of 'human being' upon which the humanity of the cyclist could possibly be a morally relevant justification for giving help. In this context, Singer insists that it could not be the humanity of the other *per se* that makes the difference, but only the fact that human beings are persons, where this is understood as 'any being who possesses the necessary characteristics to be a subject of moral attention'. Taking this characteristic to be sentience, Singer then glosses:

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. *No matter what the nature of the being*, the principle of equality requires that the suffering be counted equally with like suffering – in so far as rough comparisons can be made – of any other being. *If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account.*"³⁵

The same view is expressed by Michael Tooley:

It is a basic moral principle that the destruction of a person is at least *prima facie* seriously wrong, and secondly, that the wrongness of killing normal adult human beings derives from the fact that killing in such cases involves the destruction of a person.³⁶

In this way, insofar as 'human being' means something other than 'person', it could only mean the biological classification 'homo sapiens'. Taking the biological classification of humankind to issue in an essentialist definition (e.g. 'has 23 chromosome pairs') at a level of description which is only accidentally, if at all, relevant to any normative judgements, Singer concludes that 'the human' is as irrelevant for determining the morality of a certain course of action as any other arbitrary classification such as skin colour would be.

In response to Singer's challenge, cognitivists and non-cognitivists react in different and opposed ways. Cognitivists attempt to give a specification of 'the human' which connects stopping to help with the needs and interests of human beings – to show how, on a suitably rich conception of the scientific investigation of man, one may derive norms to which all members of the species (Mary and Mark included) are answerable. Non-cognitivists attempt to give an explanation of 'the human' which explains how, for beings such as us, the sight of a fellow human wounded on the side of the road non-arbitrarily

³⁵ Singer, *PEpp*.57-58, my emphasis.

³⁶Tooley, 'Personhood' in Kuhse and Singer (eds.) *Blackwell Companion to Bioethics*.130

(and perhaps necessarily, for well-raised individuals) occasions a response such as Mary's. On the one hand we show how the declaration is justified by viewing it as a judgement made true by some facts of the situation (of the cyclist or the agent). On the other, we see the appeal to the human as a proleptic mechanism, the verbalisation of a disposition to respond in this way, and an invitation for others to respond this way.³⁷

Despite their differences, both approaches have in common the presumption that Singer's challenge is to be answered by showing how 'the human', understood as a biological classification, is capable of grounding or explaining the norms operative in the case of Mark and Mary.

By contrast to these approaches, Cora Diamond and Raimond Gaita have offered an account of the sense of 'the human' operative in this context in which it pairs with the idea of 'the human condition' rather than human nature. We may see the difference between these uses of 'the human' as follows: while one might sensibly ask whether there is such a thing as human nature, one could not ask whether there might be such a thing as the human condition.³⁸ The former concept and not the latter entails an assertion about some substantial matter of fact.

In this way, one responds to Singer by undermining his presumption that the only sense of humanity in which that could be relevant to the explanation and justification of Mary's response to the cyclist is one in which 'human' is intended in the objectual mode; in other words, as a property which the cyclist instantiates and which warrants her responding as she does. To represent Mary's response as a product of her sense of the humanity of the wounded cyclist is to suggest that we need to recover a sense of what it means to be human where this is not to be defined in terms of an empirical specification of our nature (of our needs, interests and emotional responses), however subtle such accounts might be.

As I will argue below, what makes it necessary for Mary to stop and help, and which gives her help the peculiar alacrity that I suggest it has (cf. §3.32), is her sense of what it *means* for someone to suffer as the cyclist does.³⁹ Although that is dependent upon the cyclist's properties it is not determined by them. One can justify stopping before a wounded human being out of a sense, not of how they suffer or what may become of them, but rather out of a sense of how things *might have been*. Applying that to Mary's case means explaining her

³⁷ This is Rorty's view of the role of appeal to the human; cf. Rorty *Contingency, Irony, Solidarity* p.189ff; *Philosophy as Social Hope* pp.72ff. Diamond summarises these alternatives in 'The Importance of Being Human' in *Royal Institute of Philosophy Supplement* (1991) pp.35-40.

³⁸ Thanks to Gaita for suggesting this to me in conversation.

³⁹ On which cf. Gaita GE, ch.8 and Afterword.

stopping to help in terms of her sense that there is a particular pathos involved in having as one's fate that one die alone on a roadside. Of course I am not suggesting that Mary must stop for this reason, only that she might. If she does, then facts such as that she cannot help him with his injuries, that he cannot notice and so will not appreciate her presence, &c., need not convince her that leaving is the best thing to do.

Thoughts of this kind violate Singer and Tooley's principle, because they are not determined by the properties of the individual with whom one is confronted. The reason that Singer et al. introduced principles of the sort quoted on p.28 was to set a non-arbitrary limit to the boundaries of moral concern; to determine when and to what extent concern for another is required, and correspondingly when such concern is unjustified and hence either optional or else pernicious (depending on the context). Their approach was to give an analysis of moral concern in order to determine the property that such concern tracks. Once found, the only question left to settle is the casuistical one of what degree of concern is warranted in a given circumstance. As Singer says (and Tooley endorses), if that property is a capacity to suffer, and if the cyclist has irredeemably lost that capacity, or it is not something that Mary can do anything about, then she is wrong to stop and help.

Therefore, an approach that grounds Mary's response in her sense of what it means to be as the cyclist is, is inconsistent with (at least Singer's version of) eliminative naturalism.⁴⁰ It is also different from approaches to the case which would appeal to a theory of human nature to justify Mary's response. However, more needs to be said to make plausible a conception of Mary's response as warranted by considerations within the realm of meaning. As we will see, on a certain conception of naturalism, moral modalities *cannot* be grounded in considerations of this sort. In the rest of this chapter I will elaborate upon that challenge, beginning with the claim that Mary cannot mean literally her declaration that she *cannot* walk past.

2.4 'Φ-ING CANNOT BE NECESSARY'

Despite the naturalness of the terms in which she expresses herself, certain considerations incline us to the thought that Mary cannot mean her avowal 'I can't walk past' literally. After all, it does not seem as if there is any physical incapacity that prevents her from walking away from the wounded person.⁴¹ We can expand on that challenge as follows:

⁴⁰ As should be apparent, it is in fact inconsistent with eliminative naturalism in general; cf. Diamond 'The Importance of Being Human'.

⁴¹ Winch, 'The Universalisability of Moral Judgements' and 'Moral Integrity', both in *EA*.

'it is manifestly not impossible for a human being to walk past, therefore (whatever you say) you *can* act otherwise, unless you can show me that you are so different from the rest of us. In the absence of such an explanation, your claim that you *can't* walk past is just an evasive way of saying that you don't want to. And anyway, how can you know that you really *can't*, unless you try? Maybe you will surprise yourself.'

For convenience's sake, let us imagine that Mark replies in this way. He is therefore sceptical of Mary's claim that she must Φ .⁴² As Winch has noted, there is a distinctive cruelty to a response of this sort. The cruelty consists, I think, in the reply being a wilful misunderstanding of the kind of incapacity that Mary is trying to invoke. We wonder, therefore, in what sense Mary means her appeal to a practical modality in this context; in what sense 'can't' she do what she apparently physically can do? She did not intend to say only that she doesn't want to leave to leave and so doesn't want to try to either. Nor did she mean to say that she wants to leave and has tried (or is willing to try) but that there is some barrier halting her progress. She meant, rather, that the fact that she must Φ makes her desires one way or the other irrelevant. It also makes it necessary that she not try to $\neg\Phi$; for if she tried she would likely enough succeed in $\neg\Phi$ -ing. It is both the case that she cannot leave the cyclist in his need, and that if she tried to, she would.⁴³ The question we are faced with is how to make this sense of this conjunction.

We do not want to adopt what McDowell calls the "insane thesis" that walking past is made impossible for her simply by virtue of her *declaring* it to be so.⁴⁴ That would be to make questions of one's moral responsibilities overly dependent on the operation of one's will, as if we could, just by fiat, take on or disclaim moral demands. If we want to avoid this unpalatable conclusion, then there must be something more to be said which justifies the appeal to necessity in some contexts and not others. It remains an open question just what these further considerations should be. (To speak of them as given within the realm of meaning means comparing our ability to declare a certain course of action morally necessary with our ability to say – and mean – things like 'I'm happy'. That is dependent upon one's will, but is not solely determined by it.)

According to TN, there is an explanation of the practical modalities which are operative in moral contexts which ground them either in the ends of the individual or in circumstances in which the individual finds themselves. In the remainder of this section I will show how such a view accounts for Mark's misunderstanding.

⁴² In what follows I use Φ as a placeholder for an action.

⁴³ Cf. Gaita, GE pp.107-9. Compare relevant remarks in Winch, 'Trying' in EA.

⁴⁴ Cf. footnote 21 above.

TN responds to Mark's challenge in one of two ways. Either (1) the truth of the necessity is grounded in the psychological proclivities of the individual in question. Φ -ing is so deeply entrenched in Mary's psychology that it makes as little sense for her to act differently as it does to ask her to be a different person. Or (2) acting in this way is, in virtue of some features of the situation, rationally necessary.⁴⁵

In both cases, Mark's challenge ('why not try to walk past?') is answered on its own terms, either through a description of Mary's psychological-cum-physical constitution, or else by showing that stopping is as necessary as obedience to the dictates of reason. On the alternative account of moral necessity which I defend, the cruelty of Mark's challenge is a product of its being a wilful misunderstanding of the modality operative here. To say that morally one must stop is to make a claim which is *neither* equivalent to a statement of one's physical capabilities, *nor* to a statement of what one has most reason to do. If Mark understood that for Mary this is a moral matter, then he would recognise that Mary's judgement does not depend on being justified either in terms of her ends, of the some further facts of the situation, or in terms of her physical capacities. Instead, as Winch suggests, Mark would understand that the fact that she finds walking past impossible is partially constitutive of her perspective on the world.⁴⁶ Rather than some facts about Mary or the cyclist grounding the necessity that she stay, the necessity that she stay informs her understanding of the situation and the importance and legitimacy of the claims of her needs and interests, given the circumstances.⁴⁷

Of course, much more needs to be said in exposition and defence of this view in order to make it seem plausible. Before coming to that, however, more background is needed, both on our pre-theoretical intuitions about morality, and on the various forms of TN which are the view's main rivals. I postpone discussion of these until ch.3 &4 respectively. For the remainder of this chapter, I will discuss the peculiar difficulties that are caused by the category of the morally necessary.

2.5 A GAP BETWEEN DELIBERATION AND ACTION

Any account of the use of practical necessities in moral contexts will have to be sensitive to the special explanatory challenges posed by the use of modal claims in such contexts.

⁴⁵ This contrast cuts across the romantic/non-romantic distinction; cf. §4.31. Although (1) is romantic, (2) may be either romantic or non-romantic, depending on whether the source of the rational necessitation is to be found in the individual's ends, or in impersonal features of world.

⁴⁶ Winch 'Who is my Neighbour?' p.166.

⁴⁷ It is that this difference is one of perspective rather than judgement that explains, I think, why such differences become more pressing – and more offensive – the closer the relationship between Mark and Mary. Cf. ch.7 below.

Specifically, practical incapacities appear to be distinct from the physically and/or psychologically necessary in virtue of their distinctive role in deliberative inference. In this section I will explain in what this distinctiveness consists. Accounting for this will be a challenge for both theoretical and non-theoretical forms of naturalism.

Necessities can feature either as inputs into deliberation, or as conclusions of it.⁴⁸ In the first of these roles, necessity claims provide part of the material upon which deliberation operates. The ways in which I am limited by the world and my own constitution may provide considerations which rule out certain options for me. In this role, they determine what may count as a reason for what, and what kind of importance considerations have for me.⁴⁹ (For example, if I can't help but worry about her safety, the fact that a certain course of action will take her out of my purview for an extended period of time is a good reason against so acting.) In the second role, necessity claims appear as the conclusion of a piece of reasoning; given that so-and-such is the case, then I must do, or abstain from, a certain action, or act to bring about (or not) a certain state of affairs, &c. (For example, the fact that I wouldn't be able to set aside my worries for her entails that I cannot take the job.)

The question then is whether we can characterise Mary's response as the outcome of inferential deliberation, and if so, how we to how we are to characterise the premises and conclusion of that inference.

The various alternatives open here divide between those which think that it is possible to give a characterisation of Mary's response in inferential terms, and those who do not. Of those who do, there are three different forms that such an inference could take. Let 'p' stand for the judgement 'I must help the cyclist' and 'q' for the judgement 'that cyclist needs help'. We are left, then, with three alternatives for characterising Mary's response as inferential. These are:

- (i) As an inference which doesn't mention p in its premises. Either;

a. $\frac{q}{p}$ or;

⁴⁸ I discuss a third possibility, that necessity claims may express our sense of a psychological interference in the structures of deliberation, at greater length below; §5.41

⁴⁹ Strictly speaking, the first of these is a proper part of the broader category of 'elements that structure deliberation', since an input into deliberation (trivially) structures the form that the deliberative inference takes. But not all influences in the structure of deliberation are given by the considerations which forms the elements upon which deliberation proceeds; cf. §5.41.

$$\frac{\neg p \rightarrow (q \& \neg q)}{p}$$

b. or;

$$\frac{P}{P}$$

(ii) As a stuttering inference:

To say that Mary's deliberation cannot be represented inferentially is to say that there is no representation of the premises which reveal the rational relations between her awareness of the wounded cyclist and her responding as she does. In other words, Mary's decision can only be represented in terms which make it obscure how it is rational at all (as in option (ia)) or else as a stuttering inference, which is valid but only trivially so. In other words, a specification of what it means to say that 'the cyclist *needs help*' will either make reference to considerations which will not require Mary's responding as she does, or else it will make reference to the necessity of her stopping to help. In either case, characterising her response in inferential terms fails to make perspicuous the rational relations between her perception of the situation and her concomitant response.

According to Williams, naturalism requires that practical incapacities be characterisable in inferential terms. He insists that practical incapacities function as inputs into deliberation only in a derivative and eliminable way. As he says:

other kinds of incapacity [for example, physical incapacity], if known to me, are inputs *into* decision. They constitute the limits within which I decide: if I know I cannot Φ , then Φ -ing is not one of the courses that can enter my deliberative field of choice. For a given deliberation, a particular moral incapacity can function in that way: as I remarked earlier 'I cannot do that' can function as an excluder, on the way to the conclusion of what I should do. But wherever this is so, it introduces the idea of a deliberation upstream from that one, of which the 'I can't' corresponding to that moral incapacity would itself be the conclusion.⁵⁰

Thus, in the following inference:

I would be breaking my promise if I spoke to her again

I cannot break my promises

I should avoid seeing her

the second premise is justified by the truth upstream of the following:

⁵⁰ 'Moral incapacity' p.51

I promised not to Φ

If I Ψ , then I Φ

I cannot Ψ ⁵¹

Applying this schema to the case of the injured cyclist, we may then characterise Mary's deliberation in the following terms:

(A)

That cyclist needs help

I can help him

I must help him

A striking feature of this inference is the fact that the conclusion is couched in terms which make ineliminable reference to the impossibility of not helping. This fits in with the distinctive character of Mary's response – the fact that she doesn't hesitate to help the injured man, even though it is doubtless inconvenient for her to do so. This lack of hesitation is revealed both in the manner in which (we may imagine) she tends to the cyclist's wounds, and in the fact that she doesn't give the theatre a further thought until prompted to by her partner. We could put this by saying that in her perception of the circumstances, the needs of the wounded individual are compulsively present to her will, such that the situation *demand*s that she respond as he does. Having seen the cyclist in his need, Mary cannot help but help. Thus, she does *not* reason as follows:

(A')

That cyclist needs help

I can help him

I help him!

In this case the conclusion is an action (as represented by the ' $!$ ' operator), whereas in Mary's case, the conclusion either is, or supports, a judgement to the effect that this course of action is necessary.⁵² It is not just that Mary invariably stops to help (though this is true), but also that having seen how badly he was hurt, there was simply no question for her of not stopping. This is the difference between 'seeing him necessarily entailed

⁵¹ This form of analysis of promising shows how to promise to Φ makes it the case that (ceteris paribus) one cannot $\neg\Phi$. The status of this 'cannot', and the possibility of giving a naturalistic analysis of it, much vexed Hume. Cf. *Treatise*, 3, ii, 5; 3, ii, 8, pp. 543-548; Anscombe 'Rules, Rights and Promises' and 'On the Source of the Authority of the State' in her *Collected Philosophical Papers* vol.III.

⁵² In §3.42 and ch.8 I will explain this difference in terms of the attitudes available to the agent after the fact.

stopping' and 'seeing him entailed necessarily stopping'. Thus, it is not enough to explain Mary's action to show how so acting is inevitable given the premises that she endorses. Rather, we need to show that the distinctive *mode* in which she responds is inevitable for her; in other words, to see how she concludes that she must help.

However, if we characterise Mary's response in these terms then a gap opens up between the premises and the conclusion, in that the conclusion of (A) invokes a modal term which does not appear in its premises. For this reason, demonstrating the validity of an inference to 'I must Φ ' seems, at least *prima facie*, to be a different challenge from that of demonstrating the validity of an inference to 'I Φ '. In this way, practical necessities seem to present a special problem for an analysis of them in terms of the structures of deliberative inference.

This gives us four different possibilities:

- (1) Assert that all rational requirements on action can be represented inferentially, and what is morally required is rationally required; conclude therefore that the putative gap in the inference can be closed.

This view is shared by both neo-Aristotelian and Kantian approaches. A neo-Aristotelian will conceive of Mary's inference along the lines of ia above, and will look for some further specification of q, or further premises, which will license the conclusion that p. (cf. §6.3ff.) Kant, on the other hand, represents the inference as (roughly speaking) an instance of ib.⁵³ It is no further premises, nor an analysis of what is entailed by the content of q, but rather the formal properties of a purported maxim to $\neg p$, which warrants the conclusion.

- (2) Accept that what is morally required is rationally required, but deny that all rational requirements on action can be represented inferentially; conclude, therefore, that there is no need to close the gap that Williams insists upon.

One can find this response in McDowell's writings. It involves disclaiming any attempt to give a characterisation of practical deliberation in inferential terms.⁵⁴ Rather, one simply says that to be rational (or reasonable) is to be capable of responding to what reasons there are, and one treats this capacity as *sui generis*.⁵⁵ Taking an analogy with perception,

⁵³ Ignoring complications to do with contradictions in the will, by contrast to contradictions in conception; cf. *GMM* 4:421ff.

⁵⁴ Such a view allows the possibility that we might represent the inference in stuttering terms, but takes that to be unenlightening – it doesn't reveal anything about the rational relations between perceptual states and the actions that they warrant.

⁵⁵ Cf. McDowell, *Mind and World*; 'The Logical Form of an Intuition' in his *Having the World in View*; Scanlon *What We Owe to Each Other*, ch.1

this view characterises the relations between recognition of reasons to Φ and Φ -ing as rational but non-inferential, and mediated by a faculty (judgement) which puts on in direct contact with normative considerations; contact which occasions (in non-defective agents) an immediate and appropriate behavioural response.⁵⁶

As we will see, this view is in danger of falling foul of our naturalistic intuitions, as it leaves the door open for a permissive ontology of reasons and leaving unspecified the mechanism by which we come to them.⁵⁷ Both Anscombe and Williams insist that a naturalistic account of moral reasons must account for them in terms of an inferential conception of reason, operating on facts which are specifiable in natural-scientific terms.⁵⁸

- (3) Insist that rationality is definable in inferential terms, and that the gap between premises and conclusion in Mary's inference cannot be closed. Conclude therefore that moral requirements are not rational requirements.⁵⁹

Arguably, this is the moral that Williams draws from these cases.⁶⁰ Williams implicitly accepts that if Φ -ing is not rationally required for Mary, then the only sense in which it might be necessary is if it is physically compelled. That contention is in fact the common denominator between responses (1) – (3) above. He then says that Φ -ing is only rationally necessary if there is no sound deliberative route from Mary's current interests, values and projects to her $\neg\Phi$ -ing. In that way, certain actions which stem from one's most deeply held commitments will be practically necessary.

However, these inferences are of form (A') rather than (A). If it is characteristic of moral necessities that they issue in requirements which make ineliminable reference to necessity (as in (A)), then there will no characterisation of moral requirements as rationally required, for Williams. (This is another way to put the contention that the

⁵⁶ As in such judgements, moral responses are oftentimes immediate and non-inferential responses to one's circumstances; cf. §3.41.

⁵⁷ Cf. McDowell, 'Might there be External Reasons' in *MVR*; Williams, 'Internal and External Reasons' in *ML*; 'Internal Reasons and the Obscurity of Blame' in *MSH*; 'Postscript: Some Further Notes on Internal and External Reasons' in E. Millgram (ed.) *Varieties of Practical Reasoning*.

⁵⁸ This is implicit in Williams description of reasons as relative to an agent's *S*; cf. 'Internal and External Reasons', and in Anscombe 'Practical Inference' in her *Human Life, Action and Ethics*. It is originally derived from Hume; cf. *Treatise* 415ff.

⁵⁹ This approach can be compared to a reading of Hume's account of causation, on which the inability to represent our beliefs about the future in inductive terms does not show that these beliefs are unfounded, but rather that they are not dependent on rational warrant for their legitimacy.

⁶⁰ And cf. Blackburn 'Practical Tortoise Raising' in his *Practical Tortoise Raising*. Though potentially, Mary's acting as she does can be shown to be necessary if it is consistent with her deeply held projects. In that case, helping will be rationally required, *a la* option (1). However, in general this cannot be guaranteed – when it cannot, the judgement that she must stop is not rationally supported; cf. §5.4. On the requirement that rationality be explained in inferential terms, cf. §§2.6-8.

distinctive authority of moral claims is incompatible with seeing moral actions as motivated by personal considerations; cf. §3.4ff.)

- (4) Accept that Mary's response cannot be represented in inferential terms, but remain neutral on the issue of whether all rational requirements ought to be representable in this way. Deny that to act morally is to act rationally, but also deny that the categories of the rational and the physical exhaust the kinds of necessity. Rather, contend that the necessity involved in Mary's judgement in moral contexts that she must Φ is *sui generis*.

This is the alternative that I defend.⁶¹ It denies Williams' conclusion because it denies the two alternative conceptions of necessity (rational/physical) that both he and his opponents recognise. This allows me to remain neutral on the question of what kind of characterisation of rational requirements is consistent with naturalism. As I will argue in ch.6-8, even a non-inferential but rationalist account of Mary's response (such as that which McDowell offers) is inadequate as an account of moral necessity.

However, the more liberal one's conception of reason, the more difficult it becomes to keep alternatives (2) and (4) separate. (Thus, in later chapters I argue that we cannot see moral failure as an error of judgement. This will only be a relevant challenge to a defender of (2) insofar as they have a conception of what it is to commit an error of reasoning, on which there is no difference in kind in the act of acknowledging an error in different cognitive pursuits (e.g. mathematics and morality).) Therefore, in what follows I will accept Williams and Anscombe's contention that naturalism requires that we accommodate the morally necessary within the structures of rational inference.⁶² The challenge, then, is to show how the gap between premises and conclusion in such deliberative inferences is to be closed, on an account which remains appropriately naturalistic. I discuss the TN approach to this at §5.5 below, and argue (in ch. 6-8) that it is inadequate as an account of moral necessity. Rather than offer a different analysis of the

⁶¹ I am setting aside a further possible response to the case, which is as follows: (5) Accept that to act morally is to act rationally, accept that rationality can be defined in inferential terms and deny that there is any gap to be closed, on the following grounds: that p follows from q defines the structures of logical entailment in this circumstance. In other words, *that* the fact that the cyclist needs help entails the necessity of helping, shows what follows from what for Mary. This is to give a radically personal account of deliberation. One can find this view in Cavell, *CoR* ch.11. In what follows I will not consider it, chiefly because of constraints of space, but also because insofar as this view accepts that moral necessity is an instance of rational necessity it remains vulnerable to the objections in ch. 6-8 below.

⁶² The feasibility of McDowell's position depends on a conception of the natural world as value-laden – what he calls a “naturalised Platonism”. Cf. McDowell, *Mind and World* pp.66ff. I do not discuss this alternative in detail, but I hope to motivate the thought that the inadequacies of TN are such that broader conceptions of reason and the natural will not be helpful.

case which would reveal the validity of inferences to 'I must Φ ', I think, on the contrary, that part of what it means to call moral necessity *sui generis* is to insist that there is no explication of the premises that will show this gap is to be closed. Rather, Mary's response is not rationally required by careful deliberation on any given set of premises, no matter how fully those premises are specified.

2.6 ANSCOMBE & THE SPECIAL MORAL 'OUGHT'

The previous section elaborated a challenge to the hope of characterising Mary's response as the inevitable conclusion of the activity of practical reasoning, when that is to be conceived of on the model of deliberative inference. It remains to be shown whether that is peculiarly problematic in moral contexts, or whether the difficulties that follow from trying to demonstrate the invariability of Mary's conclusion that she must Φ apply more generally to any instance of practical deliberation.

It may be thought that certain features of moral imperatives (either their distinctive content, or the special way in which they bind us) make a special problem for attempts to demonstrate the validity of inferences to conclusions of what must or may be done in moral contexts.⁶³

Anscombe famously claimed that the notion of an absolute 'ought', one unsupported by reference to an individual's own distinctive ends, is unintelligible in the absence of belief in a divine law-giver.⁶⁴ Associating such oughts with morality, she said:

The concepts of obligation, and duty – moral obligation and moral duty, that is to say – and of what morally right and wrong, and of the moral sense of 'ought', ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives of survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it.⁶⁵

She therefore endorses the thought that there is a peculiar problem with trying to show that Mary must Φ , when that is understood to bring with it special connotations of the moral obligatoriness of her Φ -ing. Her response to this problem is to recommend that we jettison any distinctiveness for the moral ought, and replace it with the homogenous 'ought' (and 'must') of ordinary practical deliberation.

⁶³ This is to locate the problem of §2.5 either in the content of Mary's requirement (in what Φ -ing specifically involves) or in its authority (in the sense in which she 'must' Φ). On the content/authority distinction cf. §3.1.

⁶⁴ 'Modern Moral Philosophy', in her *Human Life, Action and Ethics*.

⁶⁵ *Ibid.*, p.169

In that way, the difficulty of §2.5 becomes that of accounting for the notion of validity in practical (rather than theoretical inferences), a problem that applies generally to any possible courses of action, and whose conclusions issue in judgements – that a certain course of action is necessary, permissible or recommended – which have the same kinds of practical force whatever the context. The challenge is to show how Mary's ends are such that she acts badly if she doesn't Φ , and the difficulty in this stems from the fact that Mary will most likely have interests both in Φ -ing and in $\neg\Phi$ -ing; in which case, an inference to the necessity of Φ -ing becomes insecure. If I have reason to Φ and reason to $\neg\Phi$, I may conclude either that I must Φ or not; or that I may do either (or must do neither) – in short, incompatible courses of action may both be equally warranted. In the absence of a way of deciding between these rival considerations, the conclusion that in choosing a certain course of action therefore acted badly becomes unfounded.

On the basis of this, Anscombe concludes that validity in matters of practical inference requires that individuals have a single, overarching end towards which their behaviour aims. In the absence of such an "architectonic" end, there is no way to guarantee the truth of Mary's contention that she must Φ , for there is nothing to prevent the putative validity of (A) (cf. p.34) being overturned by further considerations (such as the strength of her interest in opera going). As she says:

Only on this condition can that illusory 'moral ought' be exorcised, while leaving open the possibility of criticising a piece of practical reasoning, valid in the strict and narrow sense in which in theoretical contexts validity contrasts with truth. The criticism will be of the practical reasoning as not leading to the doing of good action.⁶⁶

If we expect that the conclusion of this piece of practical reasoning (as to what help the cyclist is owed) will apply not only to Mary but to Mark as well, and more generally to any human being in relevantly similar circumstances, then that architectonic end must be shared by all human beings simply as such, and must not be particular to Mary by virtue of her personal interests, commitments &c.

In this way, the gap between premises and conclusion in Mary's inference is closed by reference to further features of herself, or the circumstances in which she finds herself – but the latter only insofar as they are relevant to what is good for her.⁶⁷

⁶⁶ Anscombe, 'Practical Inference' p.147

⁶⁷ This is the view that Thomson calls 'analytic Aristotelianism'. Aristotle himself does not have such strictures on validity in practical inferences.. Analytic Aristotelianism takes the standards of good action to be settled by reference to each individual's ends because it shares the modern

On this picture, practical rationality determines what, in a given situation, must (or ought to) be done in order to further an individual's ends as effectively as possible. All normative judgements on an individual are related (either directly or indirectly) to that individual's ends.⁶⁸

In defending both of these contentions Anscombe took herself to be rehabilitating views of Aristotle's. Neo-Aristotelianism promises to offer an account of ethics which (unlike the subjectivism of Hume and neo-Humeans) can offer a satisfactory account of practical inference, while at the same time showing (as Divine Law accounts of morality purportedly cannot) how morality is a natural phenomenon, in being non-accidentally connected with the needs of human beings.

Anscombe is not an outright moral sceptic. She thinks that much of what is contained in the old fashioned morality is intolerable and ought to be jettisoned, but that what was worthwhile in it can be saved in an account of our obligations that confines itself to an 'ought' of practical reason. This 'ought' is homogenous in its employment, in the sense that judgements of the form 'I ought to Φ all things considered' are always only expressions practical reason. In terms of the sense of obligation appealed to, there is no difference in kind between instances in which that is determined on prudential or self-interested grounds, and those in which it is determined on moral or altruistic grounds.

Let us call the contention that all practical necessities are grounded in an individual's ends and express judgements of what one has most reason to do, the *homogeneity of the ethical*.⁶⁹

That invites the obvious question of just what parts of the special sense of moral obligation she thinks are unjustified and need to be jettisoned, and on what grounds. Unfortunately, she did not go into great detail about just what parts of morality she found objectionable, except that they are any which connect with the idea of an obligation that has its source in something external to an individual's ends.⁷⁰ She was clear that a number of thinkers violated this requirement, including Kant and Butler.⁷¹ In what follows I will offer some further detail to this challenge by giving an exposition of a view of morality

conception of the natural world as in itself valueless, and of an agent's ends as conferring value on (parts of) the world.

⁶⁸ On the direct/indirect contrast cf. §§5.3-4

⁶⁹ I return to this in §2.8 below. In this formulation, 'the ethical' by contrast to 'the moral', refers to an individual's character broadly construed – including their personal projects, needs and interests.

⁷⁰ Anscombe, 'Modern Moral Philosophy' pp.170-172 is representative.

⁷¹ Cf. MacIntyre, *After Virtue* for an elaboration of the supposedly objectionable elements of morality.

which fails Anscombe's strictures.⁷²Below, I sketch a picture of moral requirements as having four distinctive features in virtue of which they are to be distinguished from norms which are a product of our biologically given ends or rationally endorsed projects. Moral requirements differ from the ethical in terms of our confidence in their deliverances, their importance for us, their inescapability and our inability to resent what is morally required of us.

For any putative aspect of moral experience that presents a *prima facie* counterexample to the claim that all obligations are grounded in an individual's ends, Anscombe can respond in one of three ways: *either*, argue that this aspect of experience is in fact consistent with the homogeneity of the ethical, *or* argue that this part of experience is misleading – it only appears 'as if' these experiences are external when in fact they are not, *or* else reject that element of moral experience entirely. This three-pronged response to counter-examples makes it difficult to infer from an apparent inconsistency between pre-theoretical moral intuitions to the inadequacy of forms of naturalism premised on the homogeneity of the ethical.

2.7 GAUGUIN: 'WHOSE EXCELLENCE CANNOT BE DENIED'

Like Anscombe, Bernard Williams also defends the contention that the ethical is homogenous, and that moral requirements are simply one part of the larger family of the ethical. He too takes aim at the idea that there might be a distinctive moral ought, seeing a belief in such a thing as arbitrary, unjustified and pernicious.⁷³He dubs views which are committed to the existence of such 'oughts' as versions of "the morality system".

Adherents to "the morality system" prefix certain of their convictions with the epithet 'moral' and believe – falsely – that in so doing they are expressing norms which apply necessarily to all human beings, whatever their differences in value, outlook, interest and education, simply in virtue of their being competent moral agents and standing in relevantly similar circumstances. In fact, in describing an action as morally prohibited or required, they are only express their own proclivities, and trying to induce others to think the same.

Williams thinks that a better view of morality will recognise that moral considerations are one element within the broader family of the practically necessary, which has its limits set

⁷² A view drawn predominantly from Gaita *GE*passim.

⁷³ Williams' view has obvious precursors in the work of Nietzsche and Freud; Cf. Nietzsche, *Beyond Good and Evil*; Freud, *Totem and Taboo*.

by an individual agent's own ends (in Williams' term, their "subjective motivational set").⁷⁴ Moral considerations are one kind of personal requirement amongst many, and jostle with an individual's other values, projects and commitments for priority. Following Anscombe, he too is committed to the homogeneity of the ethical.

Williams' adherence to this view is implicit in what he says about his example of Gauguin.⁷⁵ Gauguin is someone who turns away from the pressing needs of his family in order to pursue his artistic vocation. He is faced with a choice between staying in Paris and looking after his family, who are dependent on his help for their survival, or leaving for Tahiti to pursue his dreams of being a painter. He decides (we may imagine after careful reflection) to leave his family, even knowing that this decision will have dire consequences for them. Gauguin's situation is therefore an example of a conflict between moral imperatives and personal projects, which is resolved to morality's detriment. Williams introduces the case as an example of "moral luck" – the thought that whether Gauguin was justified in leaving is to be determined in part by whether or not he becomes a successful painter, and that this is out of his control. My interest in the case is somewhat different. For our purposes, Gauguin is an example of an individual "whose excellence cannot be denied but in whom the claims of morality reach their limit".⁷⁶

To admit the possibility of this case as so described is therefore to allow that moral considerations need not override others. In general terms, there are four ways one may describe Gauguin's dilemma:

- (1) As a conflict between morality and extra-moral personal projects;
- (2) As a conflict within morality (between duties to self and duties to others);
- (3) As a conflict within the ethical (between one's commitment to help others and one's need for self-assertion);
- (4) No real conflict as Gauguin is obviously weak-willed or stupid if he considers violating a moral requirement for personal reasons.

Williams' response is an instance of the third of these options. He specifically considers and rejects (2) as an absurdity.⁷⁷ Similarly, he thinks that (4) is a falsification of experience

⁷⁴ On the "subjective motivational set" cf. 'Internal and External Reasons'.

⁷⁵ In 'Moral Luck' in his *ML*. We are not to take this as an historically accurate description of Paul Gauguin's circumstances.

⁷⁶ The phrase is Cavell's; *CoR* pp.268-269.

⁷⁷ Cf. *ELP*, p.50

– it is unjustified and arbitrary simply to reject Gauguin on the grounds that he does not fit in with what moral theory claims exemplary individuals should look like.⁷⁸

Importantly, Williams sees no distinction between options (1) and (3), because he thinks that the only understanding of morality on which it could be shown to differ in kind from the ethical, would be one in which moral considerations necessarily override all others in deliberation. Thus, for Williams, the fact that Gauguin is able to see moral claims as overridden by deeply held personal projects, and the fact that we cannot simply reject him as therefore less than excellent, demonstrates that morality is one part of the larger category of the ethical.

It follows from this view that an adequate explanation of moral action will involve a psychological story which shows how the morally good person had, as one of their projects, commitment to being morally virtuous. Nietzsche expressed the same thought when he said:

Is it not clear that in all [instances of moral behaviour] man loves something of himself, an idea, a desire, an offspring more than something else of himself, that he thus divides his nature and sacrifices one part of it to another? [...] – In morality man treats himself not as *individuum* but as *dividuum*.⁷⁹

In this way, a sophisticated psychology of agents will reveal how what they take to be externally imposed requirements on their behaviour, in fact have their source in previously unrecognised aspects of the individual's own psyche. As Williams says, both moral and other personal necessities "[seem] to come 'from outside' in the way that conclusions of practical necessity always seem to come from outside - from deeply inside".⁸⁰ The reference to 'appearance' in this quotation is crucial – Williams thinks that moral claims really do present themselves to an individual's consciousness as having a different source from the requirements of one's personal projects. However, he insists that, given a sufficiently complex psychological story, this element of moral experience can be accommodated within an account of the ethical as homogeneous.

⁷⁸ Cf. also Cavell *CoR* pp.268ff.

⁷⁹ Nietzsche, *Human, All Too Human* §57 Following Hollingdale: 'Individuum' and 'dividuum' are scholastic terms; the former being that which cannot be divided without destroying its essence, the latter being that which lacks an individual essence. Herein I defend a conception of the moral subject as *individuum*. But note that I do not think that one *takes* oneself to be indivisible in such action; rather, someone whose attention is focussed on the demands of the other as such demands are cognized as moral requirements is, through that attention, unified in action. In other words, perception of goodness silences anything that might speak against it. One is inexorably drawn so to act, and the source of this compulsion is at once external and internal. One may compare this to the necessitation involved in loving responses, which is also problematic with respect to the internal/external (i.e. subject/object) distinction.

⁸⁰ *ELP* p.191

Thus, along with Anscombe, Williams employs a three-pronged methodology for dealing with elements of ‘the morality system’; accommodation, appeasement and rejection. When confronted with objectionable aspects of moral experience, he either dismisses them as relics of a previous age, interprets them as useful fictions or undertakes to show how they are consistent with a suitably refined naturalism. As well as arguing that certain distinctive features of morality can be accommodated within the structures of the ethical (so that we can avoid various forms of moral scepticism), he acknowledges certain further features of moral experience (e.g. their urgency and our peculiar confidence in them) while refusing to take them at face value. Finally, he rejects judgements about e.g. the universal applicability of moral judgements, their source in something external to an individual, &c., which may be occasioned by the (misleading) way in which moral necessity is experienced by individuals.⁸¹

By contrast to Williams’ account, I think we should understand Gauguin’s decision as an example of option (1) above, and that this needs to be distinguished from examples of type (3). Gauguin faces a potentially irresolvable conflict between two requirements which are *different in kind*, between moral and personal demands. Furthermore, he can acknowledge this and yet judge that, despite the moral impossibility of his choice, he nevertheless must leave.⁸² In order to make that plausible, I need to offer an account of the distinctiveness of moral requirements which does not entail that for all non-deficient individuals they necessarily override in deliberation. I do that in §3.32 below.

The challenge of the case of Gauguin is interesting because in order for Williams’ reading of it to be plausible one has to accept that Gauguin’s excellence *cannot* be denied. The modality involved in that claim is analogous, I would suggest, to the modality involved in Gauguin’s decision itself; whether one finds oneself able to dismiss Gauguin’s image, whether his example is or is not irresistibly compelling is a practical and personal question of the same order as Gauguin’s question of whether to leave.⁸³ This might seem like a weakness of Williams’ account, in that there is nothing that rationally *compels* a defender of the morality system to accept Williams’ reading of Gauguin’s standing. In fact,

⁸¹ Thus the concepts of distinctively moral *obligation* and *guilt* are to be jettisoned (*ELP* pp.194-6); *blame* is to be understood as a convenient fiction (*ELP* pp.192-4); and the *practically necessary* is to be accommodated (‘Practical Necessity’, *passim*).

⁸² Winch ‘Moral Integrity’ in *EAp*.186.

⁸³ And cf. analogous remarks about justification in §7.6. I will frequently appeal, in what follows, to an agent whose ‘excellence cannot be denied’. By this I will mean that they are someone whose example cannot be dismissed, who does not appear to have made a mistake or acted deficiently for having behaved as they are. I do not mean that they are perfect, or that they provide the only possible model for one’s behaviour. And, of course, it always remains an option for the reader to reject the excellence of the characters that are imagined.

however, seeing our intuitions over the case of Gauguin to be as personal as his decision reinforces the suggestion that there is something intolerably arbitrary in the perspective of the morality system which can tolerate no dissent on its judgements both that Gauguin *obviously* cannot leave, and that, if he does, then he *obviously* cannot be considered non-deficient.

The recalcitrance of the figure of Gauguin to our imagination, the fact that (perhaps despite ourselves) we cannot simply dismiss him, shows something of the inadequacy of theory, insofar as its deliverances require us to reject Gauguin's decision. Furthermore, insofar as one is attracted to Gauguin's course of action, one must see oneself as similarly weak and deficient. There is nothing inconsistent in this view – but if theory requires one to judge of everyone that they are deficient, one may begin to question whether the theory is well-formed and where its putative authority comes from.^{84,85}

The identity between these appeals to necessity is also captured in the following formulation of Kant's: "*Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity...*"⁸⁶What I think we should take from this is the thought that whether one finds a certain character exemplary, or a certain judgement about their excellence undeniable, is itself a moral matter. It is in this respect not different in kind from decisions one may find oneself making about one's own behaviour, the scope and limits of one's own responsibilities to others. Williams is right to say that this is a personal matter, and – I think – to insist that there is no irrationality in having two individuals diverge in their sense of what and who is compelling.⁸⁷ Kant presumes, without justification, that 'common human reason' will return uniform verdicts on the admirability or otherwise of individuals like Gauguin (or his own examples of virtue).⁸⁸This is part of what prompts the complaint that his view is intolerably moralistic.

However, it doesn't follow from this that there is nothing to choose between different perspectives on these matters. Even if one's conception of the scope and limits of moral responsibility is both informed by, and informs in turn, one's personal viewpoint, we may still assess various viewpoints in terms of their relative depth and shallowness. One

⁸⁴ For examples of such views cf. the discussions of the theological doctrine of depravity and of Singer above.

⁸⁵ Gaita *GE* ch.4; Williams *ELP* ch.6

⁸⁶ 4:389, my emphasis.

⁸⁷ Cf. §3.5 for further discussion.

⁸⁸ Cf. *GMM* 4:421ff.

cannot infer from the personal nature of a moral viewpoint to the thought that in morality *à chacun son goût*.⁸⁹

Furthermore, I think we should hesitate to infer from the fact that one's conception of morality expresses (a part of) one's personality, to the conclusion that moral requirements are grounded in an individual's ends. Moral necessities may be essentially subject-involving, and yet, for all that, be objective in the minimal sense of being grounded in features of reality which are external to the individual. The thought that judgements might depend on parochial features of one's constitution, but still be objective, is one of the lessons of the aspect-seeing passages of part II of the *Philosophical Investigations*.^{90,91} (Just how far objectivity in this sense can support personal variance is moot. I will not discuss this issue here.⁹²)

For this reason, it remains an open question how we are to interpret the case of Gauguin, and what lessons are to be drawn from it. Williams is convinced that Gauguin's decision could only be justified by reference to his ends. By contrast, I think that we should characterise Gauguin's case as a conflict between two requirements which are different in kind – although in this case personal imperatives win out, they win out over constraints which have their source in considerations which are external to the individual's ends.

Williams' position differs from Anscombe's in that his account of Gauguin's decision to leave – as justified in virtue of being an instance of "bald self-assertion" – does not rely on thinking that the normative standards which apply to Gauguin's behaviour are consistent over time (such that if it is true of him now that he must leave, then if his circumstances do not change it must be equally true of him tomorrow, however his attitudes change in the meantime) or apply to him by virtue of features of his nature which he shares in common with all other human beings.⁹³ This difference corresponds to that between neo-

⁸⁹ Cf. Winch 'Ethical Relativism' in *TMS*; On the concept of 'depth' in morality cf. Gaita, *GE* ch.17; *TPD* pp.95-103. On the personal in morality cf. ch.7 & 8 below.

⁹⁰ On this cf. *PI*, pp.165ff.; Cavell *CoR*, pp. 372ff.; Mulhall, S. *On Being in the World*, ch.2; Gaita *GE* ch.9 & pp.331ff.; *ACH* pp.57-72.

⁹¹ The advantage of the discussion of aspect-seeing over 'the rule-following passages' in establishing moral objectivity is that the former but not the latter can accommodate the thought that moral judgements can be objective while depending on idiosyncratic features of an individual's character. Rule following only establishes that objectivity is subject involving in a sense in which to be capable of following a rule neither depends on, nor reflects on, one's particular character. While that works for objectivity in e.g. mathematics, I doubt it captures what is most important in morality. For one thing it cannot accommodate the distinctive importance of moral failure; on which cf. §3.42 and ch.8 below. On rule-following in moral contexts cf. McDowell, 'Non-Cognitivism and Rule Following' in *MVR*; Lovibond, *Ethical Formation*, ch.3; Cray, *Beyond Moral Judgement*, ch.2.

⁹² Cf. e.g. Wiggins, *Ethics*, ch.11; p Gaita *GE* ch.12; Wright, *Truth and Objectivity*, passim.

⁹³ On 'bald self-assertion' cf. *ELP* p.188. Thanks to Miranda Fricker and Stephen Mulhall for emphasising the Nietzschean aspect of Williams' thought here.

Aristotelian and neo-Humean conceptions of moral naturalism; cf. §§6.2-3. Despite that important difference, they nevertheless agree on the substantial issue that the imperatives of morality are just those of practical deliberation, and that moral requirements of morality are grounded in the subject's own ends rather than in anything which is external to them and which would be different in kind from their personal needs, projects and interests.⁹⁴

Williams himself gestures at this similarity between his position and Anscombe's when he says that of all moral theories, only Aristotelianism could possibly be true.⁹⁵ Although he thinks that Aristotelianism fails to give an account of the virtues which substantiates the contention that they are a necessary element of any flourishing human life, he thinks that this is because Aristotelianism depends on an assumption about human nature (as having a single, stable essence) which modern science has revealed to be false.⁹⁶ In some possible world, human beings might have the consistency of ends needed for virtue theory to be true. By contrast, Williams thinks that in no possible world will Kantian consistency tests yield determinate results, or will there be such things as subject-independent values which we become aware of through a faculty of intuition; these views are not merely false, but incoherent or empty.⁹⁷

2.8 THE HETEROGENEITY OF THE ETHICAL

As we have seen, both Anscombe and Williams share a commitment to the homogeneity of the ethical. By the claim that morality is part of the ethical Anscombe and Williams mean to imply that it is *not different in kind* from one's personal projects and commitments. In other words, moral and personal norms both form a part of a single spectrum and are distinguished only in terms of degree (e.g. being progressively more or less other-involving, or more or less important).⁹⁸ According to this view, to demonstrate that a putative moral requirement genuinely applies to a given individual entails demonstrating

⁹⁴ Both views therefore count as instances of 'material romanticism' in the table on p.93 below.

⁹⁵ Cf. *ELP* ch.3; *Shame and Necessity*.

⁹⁶ *ELP*, ch.3.

⁹⁷ There is, though, a difficulty in determining whether Williams counts as a theoretical naturalist as I explain that position below. At some points he seems to offer a version of material romanticism which would in principle allow theory to play the role I attribute to it in §5.1 below. At other times he seems to deny the possibility that theory could do anything other than describe the reasons that an individual reaches via deliberation. On such a view he counts as a material romantic, but of a non-theoretic kind. However, for my purposes, so far as he is committed to seeing moral necessity as a species of rational necessitation he is vulnerable to the criticisms of ch.6-8 below. If he is not, he will not be touched by the criticisms directed at TN; but the positive argument for FNR still challenges the rationale for his viewpoint.

⁹⁸ This entails that the justification of acting as one does when one acts in accordance with personal projects is not different in kind from the activity of justifying acting morally. On justification cf. §7.6

that so acting is required by some end that the individual possesses. On such a view, moral and non-moral considerations are *in principle commensurable* in the assessment of an individual's life. In other words, there is a single metric ('happiness', defined as the degree of satisfaction of one's ends) which includes moral and non-moral successes and failures, by which an individual's life can be assessed.⁹⁹

Their motivation for this is the presumption that only a view of this sort is consistent with naturalism. They believe that any other view would require belief in a divine law giver. Crucial to their accounts is an argument by elimination: the only naturalistic alternatives to the homogeneity of the ethical are Kantian and particularist accounts of moral necessity, and neither of these options can give an account of these requirements that is both intelligible and contentful.¹⁰⁰ (These alternatives are (i) and (iii) in the table on p.93 below.) Anscombe claims that Kantianism is incoherent because it depends on the "unintelligible" notion of "self-legislation", and the external alternative (which she considers under the guise of Butler's notion of conscience) is devoid of content.¹⁰¹ Williams, for his part, reverses the charges of emptiness and incoherence; Kantianism is coherent but empty of content, whereas the idea that there could be normative constraints that apply to an individual without reference to their ends is unintelligible.¹⁰²

Both Anscombe and Williams think that naturalism requires moral norms to be grounded in an individual's ends. Furthermore, they think that acknowledging this fact will have consequences for one's conception of morality. In this thesis I will take for granted the truth of moral naturalism and the inadequacy of a Divine Law account of ethics. Even given this, I think Anscombe and Williams' arguments for their position fail; we can construct a form of naturalism that accommodates moral necessity as *sui generis* and does not ground moral requirements in the ends of an individual.

⁹⁹ Insofar as such assessment is possible at all. Note that the homogeneity of the ethical only entails commensurability in deliberation for moral and non-moral considerations on direct (rather than indirect) forms of rationalism. (Cf. §§5.3-4) Note also that only view (ii) in the table on p.93 below is committed to the homogeneity of the ethical. Williams might be sceptical of the notion of 'assessment of a life as a whole', but he remains committed to the commensurability in deliberation of moral and non-moral considerations; cf. 'Practical Necessity'.

¹⁰⁰ There are certain other positive arguments in the literature that aim to show that the heterogeneity of the ethical *must be* correct, either because it is explanatorily sufficient or because it is a conceptual truth that all norms must be grounded in an individual's ends. Cf.e.g. Smith, 'The Humean Theory of Motivation'. I am not going to deal with those here.

¹⁰¹ As she says "Butler appears ignorant that a man's conscience may tell [a man] to do the vilest things", 'Modern Moral Philosophy' p.170.

¹⁰² For his critique of Kantianism cf. *ELP* ch.4. The externalist alternative entails the existence of what Williams calls 'external reasons' (reasons that are not related to an individual's ends) which he takes to be unintelligible; cf. 'Internal and External Reasons'.

I aim to defend the contention that there is a special moral ought, and that its existence can be made consistent with moral naturalism. Thus, even if it can be shown that, in general, there are strictures on practical inference, such that one must do what is most prudent in some given circumstance, the explanation of the validity of that ‘must’ would not suffice to show the appropriateness of judgements to the effect that morally one must Φ . In what follows I aim to show, *pace* Anscombe and Williams, that moral considerations are *sui generis* and do not have their source in an individual’s own ends, and, furthermore, that this is consistent with naturalism.

The plausibility of Williams and Anscombe’s position depends on their neglecting an alternative form of naturalism, which I call ‘formal non-romanticism’ (FNR) (cf. §4.31), and which has been espoused and defended by a number of writers in the Wittgensteinian tradition.¹⁰³ According to this position the ethical is *heterogeneous*, in the following sense; moral requirements form a part of the broader category of the ethical, but can be distinguished from other elements of that set by virtue of the difference in source of moral as opposed to other personal requirements. To insist that in this sense the moral is still part of the ethical is to acknowledge that an individual’s obedience to moral requirements is relevant to an understanding of their character. However, as I will aim to show, that acknowledgement is consistent with thinking that, unlike norms which have their source in an individual’s ends (which an individual can choose whether or not to endorse), moral requirements are externally constituted limits on the behaviour of individuals.

In ch. 6-8 I offer my own argument by elimination for the superiority of an account of moral necessities which distinguishes them from those which are the product of one’s ends. No other form of naturalism (including the subtle variants on Humeanism and Aristotelianism which Williams and Anscombe espouse) is adequate to our sense of what is best in morally good action. For this reason, we have no good reason to accept the homogeneity of the ethical (since it is not necessary for naturalism), and good reason to reject it. FNR does not commit us to a re-reading of the appearances of moral necessity in terms of some underlying ‘depth psychology’, or a rejection of certain intuitive elements of morality. It is therefore explanatorily simpler than its rivals.

¹⁰³ E.g. Diamond *TRS*; ‘The Importance of Being Human’; ‘Moral Differences and Distances’ in *Commonality and Particularity in Ethics*; Alanen, Heinämaa and Walgren (eds.); ‘Losing Your Concepts’ in *Ethics*, Vol. 98, No. 2 (Jan., 1988); Holland, *Against Empiricism*; Gaita, *GE*; *ACH*; *TPD*; Winch, *TMS*; *EA*; ‘Miss Anscombe’s Moral Philosophy’; Phillips, *Interventions in Ethics*; Weil, *Anthology*; *Waiting on God*; *First and Last Notebooks*; Hertzberg, ‘Gaita on Recognising the Human’.

3 MORAL NECESSITY

I am sworn brother, sweet,
To grim Necessity, and he and I
Will keep a league till death.
- Shakespeare, *Richard II*

In this chapter I describe the different aspects of moral experience to which any adequate account of morality needs to be sensitive. First of all, one must distinguish questions of morality's content from those of its authority (§3.1). Secondly, one must distinguish moral experience from the perspective of the agent and of the recipient (§3.2). I emphasise the difference that temporal perspective has on one's moral thought, against a tendency in philosophy to neglect retrospective attitudes (§3.3). With these distinctions in hand I discuss what I take to be the four distinctive features of moral necessity: our confidence in judgements about what is morally required (§3.41), the distinctive importance of moral considerations (§3.42), their special inescapability (§3.43) and the fact that moral demands present themselves as limits rather than limitations on our behaviour (§3.44). The tension between the personal and impersonal in this conception of morality is highlighted (§3.5). Finally, I consider and answer some general problems to do with methodology in moral philosophy (§3.6), in order to respond to the charge that the conceptual explications in this chapter are question-begging.

3.1 CONTENT AND AUTHORITY

Any complete explanation of morality must account not only for the *content* of moral norms, but also for the special *authority* that these norms have – the ways in which we may be especially grateful for examples of individuals who act in obedience to morality's demands, and, on the flipside, the ways in which failure to rise to such requirements may occasion feelings of profound guilt and justified resentment.¹⁰⁴ Thus, any adequate account of morality must meet the following two challenges:

¹⁰⁴Kant is sensitive to this. He thinks (rightly, to my mind) that content and authority are interdependent, such that our sense of the authority of morality's requirements ought to guide our sense of its content. But we can accommodate this observation without thinking that both are determined by structures of rationality which are independent of our actual practices of holding others (and ourselves) to account. Rather, the content of morality's demands and their special importance are revealed together in authoritative examples by which our conceptions of goodness (and, conversely, wrongdoing and evil) are revealed; cf. Gaita, *GE* p.xxvii; *ACH* pp.17-27.

1. To give a satisfactory account of the way in which individual moral codes vary based on *context*, including an account of the distinctive character of moral disagreement.
2. To give a satisfactory account of the *authority* of moral claims, including an account of the distinctive phenomenon of necessitation that accompanies moral imperatives and also the kinds of thoughts and activities that morality sustains in cases in which action is not in question.¹⁰⁵

The thesis of the homogeneity of the ethical was animated by the conviction that these two elements of morality pull in different directions. The special authority of moral considerations is typically taken to require that its content be invariant in a way which is inconsistent with naturalism. Similarly, an account that accommodates variances in moral codes by tying them to the ends of individuals seems to be forced to deny that moral claims in fact have the special authority which they purport to have. Kant expresses this sense of the nature of morality when he insists that a naturalistic account of moral requirements as serving our purposes is inconsistent with their dignity and authority.¹⁰⁶ That authority, he takes it, requires them both to resist such explanations and also to be timeless and unchanging.^{107,108} Therefore, another way to characterise the goal of this thesis is to show how it is possible for a conception of morality to accommodate uniform variances in its content based on variation in environmental, social and personal contexts, while maintaining a conception of moral claims as being distinctive; and this, without subscribing to the homogeneity of the ethical.

3.2 TWO PERSPECTIVES

Alongside the distinction between its content and authority is that between moral requirements as they are experienced by the agent and by the recipient, respectively. The authority of moral considerations has two aspects corresponding to these two different perspectives. From the point of view of the agent, the fact that a certain action is morally required manifests itself in the distinctive way in which its requirements are made

¹⁰⁵ This challenge presumes (as indeed did the case of Mark and Mary) that there are such things as moral imperatives; a claim not universally accepted; cf. footnote 331.

¹⁰⁶ *GMM* 4:426

¹⁰⁷ Strictly speaking, the moral law is timeless and unchanging, but the particular actions that it will forbid or require may vary as material conditions change. However, certain actions (e.g. ending the lives of rational agents) will always be prohibited.

¹⁰⁸ It is only on this presumption that evidence of variances in moral codes constitutes a *prima facie* challenge to the objectivity of morality. E.g. Harman, 'Moral Relativism,' in G. Harman and J.J. Thompson (eds.) *Moral Relativism and Moral Objectivity*.

compulsively present to the will, in other words, in which they are *necessitated*.¹⁰⁹ From the point of view of the recipient, the fact that the receipt of a particular good (be it help or hindrance, advice or intervention) is a moral matter manifests itself in the distinctive sense of fineness that it produces (for the appropriately attuned individual). In what follows I will discuss the different elements of moral experience from these two points of view respectively.

3.3 TEMPORAL DIRECTIONS

As well as the distinction between the agent and recipient of moral treatment, moral judgements divide between those which are prospective and those which are retrospective. It is important not to forget that morality is not only interested in the question ‘what should I do?’, but also in that of ‘what have I done?’¹¹⁰ There is a tendency in theory to focus on the former question at the expense of the latter.

In the case with which we are concerned, theorists look for the missing ingredient that would tilt a wavering Mark into action. In this respect, people will divide on whether Mark lacks courage in not stopping to help, or whether Mary simply has more care for others (i.e. different priorities, or a gratuity of sympathy). The question of how one accounts for his inactivity will make a difference to one’s attitude of Mark’s standing with regard to moral excellence. That will turn on whether his *difference* is a *deficiency*; in other words, whether acting in this way can be expected of any decent individual.

That focus takes the central issue in bridging the gap between Mary and Mark as one of making Mark respond as Mary does. We address ourselves towards the question: *Does Mary speak truly when she says that she cannot walk past?* And this in turn becomes: *if it is true that Mary must stop and help, is it therefore also true of all other individuals in relevantly similar circumstances?* This in turn can be expressed in the abstract:

Suppose that some person A in circumstances C is faced with a choice between Φ -ing (which is the just/charitable/&c. thing to do) and not Φ -ing (which is unjust/uncharitable/&c.). *Does A have (decisive) reason to Φ in C, and, if A does, then does any other individual in relevantly similar circumstances?*

¹⁰⁹ On that sense of necessitation, cf. Kant’s insistence on the sublimity of duty REFS. Kant I think goes wrong in tying our concept of moral goodness too closely to the notions of duty and respect; cf. ch.8 below.

¹¹⁰ There is also the peculiar and important locution ‘what am I doing?’ Due to constraints of space, I am not going to discuss that here.

Although I do not think that this question is inappropriate or unimportant, it is a serious distortion of moral thought to think that an answer can be given to it which treats the question of our retrospective attitudes towards moral success or failure as of only secondary importance to the nature of moral judgement. We must avoid the tendency to think that an answer can be given to the question ‘what should I do?’ which is independent of considerations of how I will judge myself should I make the wrong decision.

Richard Joyce gives a clear expression of the urge to see action-guidance as the essential element of moral assessment. Joyce is an Error Theorist about morality; he thinks all moral claims are uniformly false.¹¹¹ In defence of his position he presents an argument that may be summarised as follows:

(P1) Morality involves a series of imperatives which give agents reasons to act, and which are not relative to that individual’s particular ends.

(P2) Necessarily, all imperatives are relative to an individual’s ends.

(C) Therefore, there are no moral imperatives.

What is important here is the presumption that morality is *essentially* concerned with action-guidance, and that we can recognise this fact without pausing to enquire as to how this aspect of moral requirements might relate to others. Therefore, Joyce assumes that the question of the justifiability of requirements on action cannot be upset by seeing them as proceeding from, or being interdependent with, other aspects of ethical assessment. I dwell on this not because I am interested in the rehabilitation of the notion of objective truth as applied to morality, but rather because this argumentative strategy imparts two presumptions about morality – firstly that its core involves a picture of action-guidance and judgement and secondly that it presumes that this core can be understood and critiqued in isolation of an understanding of how it relates to other aspects of moral language.

On this picture, the *subject* who is answerable to the requirements of morality is conceived of as a bare agent, a being whose essential properties are the abilities to reason and to act under its own volition on the basis of the deliverances of reason. (That is the liberal romantic picture of the self, described on p.55 below.) This picture acknowledges that we are, as a complex whirl of organism, more than this; but (it insists) we are this in proper part.¹¹² And morality speaks to this being by advocating certain courses of action, since its

¹¹¹ Cf. Joyce, *The Myth of Morality*, esp. p.42.

¹¹² The phrase ‘whirl of organism’ is Cavell’s; *CoR* p.52.

fundamental question is ‘what should I do?’, and its primal scene that of an individual confronted with a choice between the bringing about of one or another state of affairs.

In this way the question of whether A is answerable to ethical assessment with respect to a certain proposed course of action reduces to the question of whether A has a reason to choose (or refrain from) that action or not. Accounts of morality that direct themselves to this question therefore focus on an agent who is frozen on the verge of action, and look around for considerations that will justify the contention that this person either simply will, or will if competent, act in a certain way (help this person, refuse to lie, pull the lever, push the man &c.).¹¹³

Approaches of this sort lead to distortion because they fail to recognise that our sense of the necessity of a moral response is interdependent with our understanding of what is at stake in failure – in other words, that the question of what one should do can be answered, and its distinctive importance understood, only in the light of a correct understanding of the force and significance of the question ‘what have I done?’ As Gaita urges (and I discuss further below ch.8) in contexts where one has wronged another, the tone of that question is one of *remorse*. As Kant insisted, moral requirements are distinctive in virtue of the fact that they impose a special kind of limit on our wills, one which is different in kind from the limits set on our behaviour by our personal projects or our biologically given nature.

What focus on retrospective questions of assessment emphasise is that we will not understand the specialness of this special limit if we attend only to the question of how one should act. (Another way to put this is to say that it is not sufficient for a complete understanding of morality to be able infallibly to do the right thing and avoid wrongdoing. What such an understanding misses out is what it *means* to wrong another, hence why morality should sustain the kinds of thoughts that it does, have the importance for us that it has.) Beyond that, reflection on our retrospective attitudes may allow us to defuse challenges to the standing of moral judgements such as Joyce’s. If we understand the conceptual connections between Mary’s judgement to the effect that she must help, and the ways in which she will be able to view her life and herself in the light of her decision, we may be less inclined to find moral judgements inordinately queer. (In other words, she

¹¹³ It may be complained that this is unfair as a characterisation of Aristotelianism, which is distinctive precisely in that it shifts attention from what one should do to the kind of person that one should be. That is right, but it should be noted that in one sense Aristotle certainly does privilege action, where that means the *activity* of being virtuous (*NE* 1,8). Furthermore, arguably the neo-Aristotelian views that I discuss in ch.6 below do not escape from this underlying conception of the moral subject.

must help because, being morally aware, she knows what it would mean to fail the cyclist in this way.)

Applying this to the case of Mark and Mary, this means that rather than characterising the challenge that Mark provides as that of supplying reasons which will show how he must (if he is rational, or appropriately sympathetic, &c.) stop rather than walking on, we characterise his hesitation as a product of his awareness that he has been confronted by a requirement which is different in kind from the demands of his personal projects (whatever content one cares to ascribe to those; whether they are self- or other-regarding); a requirement which has its source in the needs of the other, and which can only be satisfied through a freely given compassionate response to the sufferer.¹¹⁴

3.4 MORAL EXPERIENCE

Recall that Williams and Anscombe found a special problem in the grounding of moral requirements, because of certain peculiar aspects of such necessities. Just as contentious as the question of whether the peculiar ‘ought’ of morality can be rehabilitated is the question of how we are to characterise these peculiarities. Unlike Anscombe, Williams offers a diagnosis of what he finds objectionable in the ‘morality system’ and gives some indications about what morality would look like when freed from these distortions.¹¹⁵ Williams’ account of the morality system is complex, and I do not have space to discuss it in detail. In short, the ‘peculiar institution’ which (he takes it) cannot survive in the absence of belief in a divine law-giver includes the following commitments: morality is primarily concerned with *obligation*; all real (rather than merely apparent) obligations are *consistent*; obligations are *inescapable* and *overriding*; and the appropriate response to moral failure is that of *blame*, which attaches to the *voluntary*.¹¹⁶

Although Williams summarises these as each a different aspect of a general belief in the “purity” of morality, he acknowledges that these elements of the morality system come apart, and that a particular form of moralism might share some of these commitments and not others.¹¹⁷ I am sympathetic to many of his complaints about the morality system when

¹¹⁴ It is because this help can only be given if it is given freely that it can be denied in the manner that Mark denies it, that it is possible to at once be aware of that demand and yet to fail to acknowledge it. On the difference between knowledge and acknowledgement cf. Cavell ‘Must We Mean What We Say?’ in *MWM* pp238-66.

¹¹⁵ On his positive account, cf. *SN* passim.

¹¹⁶ Cf. Williams, *ELP* ch.10.

¹¹⁷ In what follows, unless I specify otherwise, I use ‘moralism’ to describe views which are examples of ‘the morality system’ in Williams’ sense. However, this will be complicated somewhat

so described.¹¹⁸ However, I think that we may hold onto the distinctiveness of morality from the ethical without succumbing to the distortions of the morality system. That will require giving an account of the difference between the moral and the ethical which diverges (sometimes quite radically) from Williams' own diagnosis. Of the six features of morality that Williams identified (and which are italicised above), I am committed only to the *inescapability* of moral requirements, and (with important caveats) their *overridingness*. That is enough to make my view objectionable to Williams (and Anscombe as well), and makes the following account of morality answerable to the challenge of §2.5.

In what follows I will give my own account of what I take the distinctiveness of morality to consist in. Oftentimes I will expound these aspects of moral experience by contrasting them to other instances in the ethical. Naturally, I do not think that this exposition demonstrates the intolerability of a view on which the moral is not different in kind from the ethical. Were Williams or Anscombe to accept my account of the distinctiveness of moral experience, it would still be open to them to reject morality when described in these terms (as a prejudice or derivative from a bygone era), or else to explain these distinctive aspects of moral experience as mere 'seemings' of requirements different from one's interests. The point of this exposition is simply to motivate the thought that morality really is peculiar, and therefore to give some content to the sense of 'morality' which I aim to rescue from the challenge of §§2.6-8.

It should be noted also that the following exposition is not intended as an historical exegesis of the concept of the moral.¹¹⁹ Although the aspects of morality which I highlight are recognisable elements of certain historical positions (most notably Butler and Kant, and the protestant religious tradition which informed them), it may be that this picture of morality fails to match precisely with any one view.¹²⁰ That does not worry me, because I do not mean to suggest that an account of morality as having these features is obviously correct, or even to defend it against its rivals. Rather, I am only concerned to show that an account of moral experience as having these features is both distinct from accounts which view morality as a species of the ethical, and consistent with our naturalistic intuitions. One may think that morality shouldn't have these distinctive characteristics (perhaps

by the refinement to the charge of moralism given in §7.4. Every view that is moralistic in Diamond's sense is moralistic in Williams' sense, but not vice versa.

¹¹⁸ In particular, his complaints against the emphasis on obligation in morality, and against the idea of blame as the predominant moral reaction. I set aside the important question of whether how these different aspects might be related. But cf. ch.7 passim.

¹¹⁹ By contrast to MacIntyre, who implies that in *After Virtue* ch.5.

¹²⁰ In terms of modern writers, it is most obviously inspired by Gaita's conception of 'absolute goodness and evil'; cf. Gaita *GE* passim.

thinking, as Williams does, that a morality based on virtue and shame is more admirable).¹²¹ In that case, one will not find this chapter compelling; but it is not my interest to try to convince my readers of the admirability of this view of morality, only to insist that it is a coherent view and ought to be taken seriously.

With these disclaimers in place, I turn to my exposition. The distinctive authority of moral considerations consists in the following four aspects of moral experience:

- (i) We have immediate and non-provisional *confidence* in our judgement of the goodness of morally exceptional deeds, and (correspondingly) the squalor of evil deeds.
- (ii) Moral considerations have a special *importance* in the lives of individuals.¹²²
- (iii) Moral requirements and judgements are *inescapable*.
- (iv) Moral requirements do not occasion *resentment*.

I will discuss these in turn.

3.41 CONFIDENCE

AGENT

Kant expresses the immediacy of our confidence in our moral judgements when he contrasts the subtleties and unclarity of considerations based on happiness (on the satisfaction of one's ends) with the commands of duty. He imagines a case in which a trustee could, some years after taking a deposit, appropriate the creditor's money and in so doing save him and his family from hardship. (We may further suppose that the creditor is misanthropic and greedy and will not notice the loss of the money.) He then imagines someone being asked whether it is right for the creditor to steal the money:

Without doubt the person questioned will answer, No!, and *in lieu of all reasons*, he can only say that *it is not right*, i.e., it conflicts with duty. Nothing is clearer than this, even though it is surely not true that the trustee would not promote his own happiness by surrendering the deposit.¹²³

¹²¹ *Shame and Necessity* ch.4

¹²² This can be compared to Williams' concept of the role of 'importance' in moral theory; cf. *ELP* pp.182-185.

¹²³ Kant, 'Theory and Practice' 286. First emphasis mine. In this way, the fact that a certain course of action fails the universalisability test does not give us a distinct reason to avoid so acting, but rather only dramatises the intolerability of that course of action, Kant *GMM* 4:403-4. The same picture of moral requirements as cutting alternatives off at the source is implicit in Phillips 'In Search of the Moral Must' in his *Interventions in Ethics* and Stocks 'The Limits of Purpose', esp. p.28, in his *Morality and Purpose*.

The locution ‘in lieu of all reasons’ suggests that for Kant our confidence in moral verdicts is not a product of theoretical reflection. We cannot explain why our verdict is as it is, except to say that this is what duty requires.

The first feature of moral requirements which distinguishes them from the merely ethical is the immediate and non-inferential confidence which we have in the rightness of their deliverances. To call our confidence in the rightness of a certain course of action immediate is to insist that our sense of it is not made stronger either by counting instances or by comparing it with other cases. We touched on that view when it was suggested that we might become aware of moral requirements through the same perceptual mechanisms which put us in touch with other perceptible features of the environment. (Cf. p.29)

This suggests that moral requirements are no more grounded on the deliverances of theory than are judgements based on our perception of objects in our environment (what Austin called ‘medium sized dry goods’); even if moral requirements were contrary to theory, they would not thereby be overthrown. In the same way, even if it were shown that the axioms of arithmetic are not consistent, we would not thereby abandon our confidence in the practice of addition.¹²⁴

Thus, Mary’s sense of the appositeness of her response may be such that she would not withdraw her confidence in the necessity of responding as she does, even if it were shown that to act in that way was neither prudent, nor generally socially required. Even if an argument to that effect were given, and her commitment was demonstrated to be, by those lights, foolish, we would understand if she responded to that by declaring ‘so much the worse for reason!’. Alternatively, since any such argument will necessarily be contentious, Mary may treat its denigration of the excellence of her response as grounds to view that argument as having met its *reductio*.¹²⁵

For thinkers who take moral claims to have this kind of importance, moral scepticism takes on a correspondingly different form. Rather than questioning whether moral requirements answer to any of an individual’s current ends, the sceptic questions whether our moral sense answers to anything in reality, or is rather the expression of a mere fantasy (being a form of wishful thinking or the product of a mass hallucination).¹²⁶ In this way, the immediate and non-inferential confidence that we have in moral responses

¹²⁴ E.g. Wittgenstein, *RFM* p.211

¹²⁵ On the appeal to *reductio* at this point cf. Gaita, *GE* pp.56-60. One might think that the possibility of dismissing otherwise apparently valid arguments in this way threatens the role of reason in determining moral requirements. But I think a sensitive account of moral argument will have to take into account that there comes a point at which argument must defer to moral experience.

¹²⁶ Cf. Kant, *GMM* 4:445; Plato, *Republic* BkI.

distinguishes scepticism over the appropriateness of a moral response from scepticism over the soundness of a particular inference.

One can see the distinctive confidence that we have in moral verdicts if one compares it to our confidence in necessities which are underwritten by our personal projects. In the case of personal commitments, one's confidence in the bindingness of a certain course of action which stems from their commitment is based on our confidence in some judgement about oneself. Gauguin might declare that he *has to* leave to paint, for otherwise he would no longer recognise as his own the life that he led. The question we are left with is how we are to understand claims such as this and whether they support the same kind of certainty which Mary expressed when she declared that she must stay, whether or not staying is reasonable.

The claim 'I must do this, or I wouldn't recognise myself anymore' might be expressive of one's depth of commitment to that course of action. Alternatively, it might be a prediction of the depth of that commitment, as in the claim: 'if I acted otherwise, then I would feel regret for it later'.

If Gauguin's declaration is a prediction about how he will feel in the future, then, if he is being epistemically responsible, he must moderate his current confidence in the necessity of so acting to make it track the likelihood that he has understood himself fully. Given the opacity of the self to self-reflection, this confidence will always be less than certain; maybe he will stay, and find out (as surely often happens) that his fixation on painting was merely a passing distraction. But our confidence in morality is not pegged to our future interests and priorities in that way.

On the other hand, a picture of moral judgements as expressive of personal commitments runs into problems because a statement such as 'this is what I must do' can only ever be partially constitutive of one's commitment to a certain project; that declaration would be revealed to be mere bluff if it were not connected to further features of the individual's life, their psychological dispositions &c. (These features include whether they would feel regret if they didn't leave, how deeply they are committed to the success of that project, how far in the rest of their lives they go to pursue it, &c.¹²⁷) In this way, even in their declarative mode, expressions of personal necessity are still liable to being undermined by how things turn out in the future. And, given the threat of self-deception, a responsible

¹²⁷ Of course, it is still possible to be mistaken in a judgement that a certain action was morally good. But this is not come to through considering facts about one's future conduct or attitudes, except insofar as these are relevant to understanding the act itself.

individual must recognise that, even when their acts of insistence or repudiation of some course of action come from an impulse which appears to be deeply connected with who they are, the possibility always remains that in future that declaration will be shown to be misguided; their confidence in the judgement that they must Φ , when Φ -ing is a personal matter, must be less than certain. In this way, such a model fails to do justice to our confidence in declarations of what is morally necessary or not. Unlike with personal necessities, there is no chance that one's behaviour in the future could, through its juxtaposition with the present, demonstrate that declaration ('I cannot Φ because it is morally wrong') to have been false; the ways in which one changes in the future might reveal that declaration to have been insincere, but not even the possibility of radical conversion can undermine one's current sense of the impossibility of doing something which one (correctly) takes to be morally wrong.

Thus, were the source of Gauguin's dilemma internal (a product of a conflict between two equally deeply held projects), his confidence that he is justified in leaving would depend in part on his confidence in the reliability of his introspective judgement to the effect that his artistic vocation is as deep a commitment, for him, as his sense of moral probity. Furthermore, even if Gauguin's confidence in the appropriateness of his decision to leave remains intact, if the dilemma is personal, then he can only be confident that others in similar circumstances would be required to do the same, insofar as he is confident that they will share his sense of priorities here.

Morality appears specifically to repudiate both these thoughts. The tenor of the moral law is such that, as Kant says, it treats requirements which have their source in an individual's own inclinations with "contempt".¹²⁸ In other words, one's confidence that one must Φ , and that others similarly placed must so act as well, is not dependent on judging that there is some end which both of us share in virtue of which we are bound by this requirement. Similarly, when someone judges that a certain course of action is wrong (or squalid &c.) and therefore morally impossible, they do not stake their commitment to that to their confidence that they will feel the same in the future.¹²⁹

In general terms, the difficulty with seeing morality as based on empirically given ends is that our confidence in the necessity of a certain course of action required by an end given by our nature is inversely proportional to the generality of that end. If the requirement to

¹²⁸GMM 4:405,10

¹²⁹ Kant would put this by saying that morality is, though disinterested nevertheless interesting; it is such that its requirements necessarily occasion interest in all rational agents. Cf. Kant, *Critique of the Power of Judgement* 205. Of course, he would disagree with the thought that we might refuse to act in the same way that a morally exemplary individual acts in relevantly similar circumstances.

Φ is grounded on its ability to satisfy an end of mine, E, then my confidence in the judgement that I must (now) Φ is proportional to my confidence that only in Φ -ing will I satisfy E. When my end is particular and pressing (e.g. I am hungry, or bored) then it may be indubitable that I must Φ ; however, at the same time that end has become so precise that I can no longer be certain that anyone else in relevantly similar circumstances will have to Φ . Insofar as E is a general end which I am certain that all others share (e.g. that they pursue their own happiness), its requirements are too vague to license confidence in a given situation that some particular act Φ is necessary.¹³⁰ What is distinctive about moral demands is that they are maximally certain, highly specific and yet perfectly general. They apply to others in relevantly similar circumstances, without that requiring that they and I share some particular end.¹³¹

RECIPIENT

From the point of view of the agent, the indubitability of a moral response manifests itself in the requirement that a certain course of action is necessary – and this might be because so acting strikes one as simply the only decent thing to do.¹³² By contrast, from the point of view of the recipient, a morally good deed may strike one as indubitably fine, and, as such, worthy of reflection and gratitude. To someone whose life has been helped (or even saved) by the selflessness of another, their confidence in the value of that action will be immediate and unquestionable. Consider, in this respect, the following case:

A person has lost their taste for life entirely and decides to take their own life. They resolve to drown themselves. In the process of bringing themselves to the water's edge a passer-by, guessing their plan, intervenes. With friendly words and gestures they convince the person not to commit suicide and offer them reassurance and company through which life begins to seem meaningful again.

How are we to characterise the help that the person who attempted suicide received from the passer-by? In the first instance we might describe the person's intervention as a matter of being a timely restraint to the depressed individual's ability to carry out his plan. However, if we are to make sense of the kind of gratitude that the depressive may feel about that intervention, we will need to mark the importance of the fact that it was not only that he failed, but that *he was made to fail*; and furthermore that it was an

¹³⁰ This is how I read Kant's argument of *GMM* II, particularly his dissatisfaction with assertorically problematic principles as a foundation for morality; cf. esp. 4:415ff.

¹³¹ But cf. §3.5 for an important qualification of this contention.

¹³² Barabas makes that point when she says that goodness is invisible to the first person; cf. Barabas 'Goodness and the First Person' in *Ethics, Philosophy and a Common Humanity*.

intervention *by another person* that made him fail. This makes a difference because the intervention of another person, unlike that of the world, challenges the depressive's conclusion that his life is worthless. The depressive received, in the friendly gestures of the stranger, not only another chance at life, but also the affirmation that his life had worth.¹³³

Reflecting on that turn of events, the help that the depressive received in that moment could be a source of hope for him. This intervention not only caused, but constituted, the re-establishment of his sense of the meaningfulness of life.¹³⁴ From his renewed perspective, his judgement in the goodness of the help that he received is indubitable (so far as the motives of the helper are not in question). That judgement has a special degree of certainty which corresponds to the peculiar importance that this action had in his life. As with necessity from the point of view of the agent, while it may be vulnerable to subversion through demonstrating the unreality of morality in general, or the amorality of this act in particular, it cannot be undermined by being shown to lack grounding in either individual's ends.

Of course, one's confidence in the goodness of that action is provisional on one's understanding of the other party's motives, intentions &c., and one's knowledge of this is often less than completely certain.¹³⁵ In this way, one's certainty in the worth of a given action is dependent on a psychological hypothesis about the agent. However, there are two important caveats to this claim. Firstly, while a difference in motive might make one revise one's judgement of the goodness of the action, one does not need to establish the existence of some particular motive or purpose in the agent's action, or the presence within them (at the time or afterwards) of some particular emotional state in order to satisfy oneself that they acted well. To act morally is not to have some particular intention beyond the intention to act as one does – there is not some “further higher purpose” to which one is responsive when one is being morally good.¹³⁶ Thus, it is not the presence within them of

¹³³ This is connected, I think, to the way in which we look to others to bear witness to our experiences. We tell our troubles to others in part because we want an acknowledgement of our own importance; we want our problems to *matter*.

¹³⁴ Though this is not to say that having been saved now becomes a reason for him to live – it might (if he now feels a responsibility not to disappoint this stranger. It is a source of hope because it gives him a sense of the value that he needs to find his own reasons to live.

¹³⁵ I do not, however, endorse Kant's claim that we can never know with certainty the motives of another, or therefore his conclusion that we cannot be sure that there has ever been an instance of genuinely moral good behaviour. Cf. *GMM*, 4:408.

¹³⁶ In that, I disagree with Kant. I suggest why this should be later – it is to do with the fact that in morally good action one's action is directed at the individual herself and not at something that one's action might achieve. Cf. ch.7.

some particular end or intention which makes their deed moral, but rather simply the absence of intentions which would act as defeaters.

Secondly, the closer one gets to the action, the more immediate and straightforward it is, the harder doubt becomes – e.g. when the demeanour of the other person is tender &c., and no other motives can reasonably be attributed to them, doubt may become impossible.¹³⁷ Here, too, the possibility of doubt in moral and personal contexts differs. Supposing that I am certain of their motives at this moment (I know them well, what they want is obvious, and so on), if they do me a kindness and so act morally well, then even if in the future they betray me, and even if in the future they regret bitterly having helped me, the goodness of that action will remain unquestionable. In retrospective judgement on their life (and our relationship together) that good deed will remain something for which one must be grateful. It will, in Kant's words, "shine forth like a jewel having full worth in itself". That expresses a sense that morally good deeds cannot be dimmed even when juxtaposed with a life of squalor. By contrast, such an attitude is possible but by no means inevitable in a case where we share a loving moment together but where you betray me and I come (perhaps bitterly) to regret that part of my life. It is possible, in such a case, to say that, even after that everything that happened, one remains grateful for the positive experiences we shared; possible, but not inevitable. One might instead think that how things turned out in the future robs that moment entirely of its positive value. In that case, our confidence in the worth of a morally good deed which one has received is greater than our confidence in the value of personal experiences, even if we cannot doubt that they are genuine.

In the case of the depressive, his judgement that the action was morally good does not depend on relating that action to his ends (either actual or ideal), or to some judgement about what is necessary for the smooth functioning of society in general. As I suggested before, he might be grateful not for the fact that the intervention allowed him his present enjoyments and achievements, but rather for the fact that in intervening the other affirmed for the depressive that his life has value, that his death would be a cause for sorrow.

Of course, all of this is just to say that as a matter of fact we *do not* stake our confidence in the appositeness of moral behaviour either to its being borne out by theory, or to its being confirmed by empirical means. It does not follow that we *ought not* to treat moral claims in that way; in other words, one might accept this as an accurate description of our ordinary

¹³⁷Cf. Wittgenstein, *PI* §303.

practices but take it to demonstrate that in that respect our commitment to morality is ordinarily a product of unthinking dogmatism. That would be to say that morality waits for the deliverances of moral theory in order to justify (or debunk) our everyday practices.

3.42 IMPORTANCE

AGENT

The distinctive importance of moral considerations is usually taken to entail that moral requirements override in deliberation, such that if one recognises that morality requires that one Φ , then necessarily, if one is rational, one will Φ . It is this stipulation that leads to the thought that unless Gauguin's conflict is within the ethical, he is deficient in resolving it in favour of leaving his wife. In what follows I am interested in showing that morality can have distinctive importance even while on occasion being trumped. There are two questionable assumptions involved in the contention that the distinctive importance of morality entails that its considerations ought to override in deliberation. The first is that our interest in moral requirements is primarily in the way that moral reasons influence the will, i.e. in the way that they relate to our decision making procedures.¹³⁸ The second is that we can only capture the distinctive authority of such requirements by holding that there can be no genuine conflict between moral demands and anything non-moral.¹³⁹

I do not think that one can understand the special momentousness of moral considerations if one focuses solely on the role that such considerations play in the engagement of the will. (It is for that reason that I stress, below, the distinction between moral reflection before and after action.) Gauguin presents us with an example of an individual who is neither weak-willed nor stupid, who acknowledges the immorality of his proposed course of action, but who judges that he must do it anyway. If he counts as genuinely acknowledging morality's demands (fully understanding what they entail, what is at stake in them), then understanding morality need not entail its claims overriding in deliberation. Of course, one could dig in one's heels at this point and insist that if he did fully understand what he was doing, he couldn't act as he does.¹⁴⁰ I do not think that we ought to go down this route, however, firstly because it would be presumptuous to legislate to Gauguin's understanding in that way, and more importantly because we can accept that Gauguin may find himself required to act otherwise, while capturing the thought that moral claims are distinctively important. His is not the only case of an

¹³⁸ E.g. McDowell 'Are Moral Requirements Hypothetical Imperatives?' p.14

¹³⁹ Where the 'non-moral' may include both political and personal requirements, insofar as these are independent of morality.

¹⁴⁰ As Socrates would, e.g. *Gorgias* 466d, 509cff.

individual having been brought to immoral action with their eyes open, through their devotion to something they love.¹⁴¹ No doubt not all of these cases are ones in which the individual remains an intelligible subject of respect, but I think it is moralistic to say that, whenever morality and personal projects conflict, moral demands always win out for excellent individuals.¹⁴²

To say that moral considerations are peculiarly important is to insist that they are incommensurate in deliberation with non-moral considerations. McDowell puts this by saying that moral demands “silence rather than outweigh” non-moral considerations which feign to speak against them. The plausibility of this is fostered by the thought that it would be intolerable, in deliberation over what to do, to acknowledge that one had a moral duty to Φ , and yet to say ‘but on the other hand, it would be a great inconvenience for me to do so...’ Transposed to the case of Gauguin, that means that we must be careful to describe the deliberative process which precedes his leaving in such a way that he does not succumb to the idea that he might *weigh* his moral duties against his need to paint. It would surely be intolerable for him to draw two columns on a blackboard and place moral duties on the one side, and the benefits of life in Tahiti on the other. The imaginative activity of contemplating the possibility of wronging one’s family will make that alternative seem impossible. Despite that, Gauguin might feel drawn, inexorably, to leave. If his imperative to pursue his dreams has a speaking role, it does so by working secretly against duty – thoughts of leaving might arise all of a sudden, when he thought a decision

¹⁴¹ For another example of this, cf. the film *Hana-bi*. At this point it might be objected that if we concede this possibility in the case of Gauguin, we should also concede it to Mark. That pairs naturally with motivational externalism, the thought that the difference between Mary and Mark is to be characterised as one of desire rather than understanding. I deny both motivational externalism and that Mark’s condition is analogous to Gauguin’s. The reason that we can say that Mark’s understanding, unlike Gauguin’s, is deficient, is that Mark takes an acknowledged moral imperative (the needs of the cyclist) to be trumped by what is merely an interest. By contrast, in Gauguin’s resolution of his conflict it is his love (something both deeply important to him and valuable in itself) that is set against morality’s demands. However, a complete defence of this would require an examination of the nature of love, which is beyond the remit of this thesis. Note also I part company with Williams in stipulating that the conflict is only legitimate if morality is opposed by a love that is sufficiently valuable in itself.

¹⁴² On the charge of moralism, cf. Diamond ‘Moral Differences and Distances’; ‘We are all Perpetually Moralists’ in M. Antonaccio and W. Schweiker (eds) *Iris Murdoch and the Search for Human Goodness*. Of course we need to be careful with the characterisation of ‘excellence’ here; an individual who acts immorally always loses a kind of moral excellence, in that they remain forever tarred by having done wrong. But that is not sufficient grounds to tell them that they should have done otherwise, if it is possible for them to recognise and accept this wrong without maudlin self-indulgence. On this, cf. ch.8 below.

had finally been made or when he was thinking of something else, or he might hesitate in front of the door, for no apparent reason.¹⁴³

In all of these ways he finds that he cannot deny the fact that he must stay, but equally cannot dismiss the nagging thought that staying is impossible for him.

Thus, Gauguin may waver between the two options. That is because he can imaginatively inhabit more than one perspective on his life. From the point of view in which moral value appears to him in its fullness, leaving is simply impossible and nothing can conflict with it. (It is like a light that overwhelms everything else in one's visual field.)¹⁴⁴ From the point of view of himself as an artist (or perhaps as a man), moral value is not nothing, but it is not sufficiently strong to overmaster the demand that he pursue his artistic vocation.¹⁴⁵ At once he cannot help but leave, even though he recognises that, as a decent person, he cannot possibly leave. It might be that this conflict is only finally resolved in death.¹⁴⁶ But one may acknowledge the seriousness of Gauguin's situation, and the distinctiveness of moral demands without thinking that those demands must necessarily win out in the end.

RECIPIENT

The experience of goodness has a momentousness for its recipient which is analogous to (though obviously not identical with) the alacrity with which moral considerations present themselves to the agent. One can neither simply ignore, nor take for granted, having been the recipient of virtuous treatment. It presents one with a model which necessarily applies to one's own behaviour; one cannot simply wonder at the ways in

¹⁴³ I take the phrase 'working secretly against duty' from Kant, *CPrR* 5:88. The possible role that I am imagining for personal projects in Gauguin's deliberation is similar to the role for inclinations in the "natural dialectic" that Kant characterises in *GMM* 4:405. However, Kant generalises that to inclinations in general, and considers it always obviously to be mere weakness. That displays, I think, an unwillingness to take seriously the depth of conflicts between morality and personal projects, especially when the latter are not mere inclinations but loves.

¹⁴⁴ That a full understanding of a moral requirement should have this consequence is shown through an explication of the feeling of remorse. We could then explicate the sense of the impossibility of immorality as a product of an intimation of the consequences of wrongdoing in terms of one's standing with respect to remorse. But 'consequences' here must be understood as non-hypothetical; by doing wrong one necessarily becomes a wrongdoer.

¹⁴⁵ Here what is crucial, for Williams at least, is not the independent value of his particular vocation (in other words, the choiceworthiness of the life of an artist), but rather the fact that the pursuit of this project is a matter of *self*-assertion.

¹⁴⁶ Tolstoy faced a similar crisis in his life, between staying with his family and pursuing his desire for independence. At the age of 82 he eventually decided to leave, by which point his flight became ridiculous. That suggests that though such crises may last into old age, age changes them. Gauguin must be careful not to let himself remain tormented into old age in ways that turn him into a fool. But on whether old age can be hoped for as a relief from such dilemmas cf. the discussion between Cephalus and Socrates at *Republic* 328-331.

which the other is capable of responding (which, we may suppose, outstrips one's own capacity for virtue) with the kind of detached curiosity.

Kant expresses this point by saying that confrontation with the moral law "humbles self-conceit", and he describes how, in the face of such instances of moral goodness one will inevitably "bow one's head".¹⁴⁷ That suggests that the effect of being the recipient of an instance of virtuous treatment is that it occasions humility; specifically, that it shows one the inadequacy of one's own conduct, and is a reminder of external limits to which one's projects must be obedient. "Self-conceit" is the overstepping of one's sense of one's own value (and of the importance of one's own projects) beyond the bounds of what is morally required. That overstepping is, as Kant insists, natural and inevitable. (It is what Murdoch called the progress of the "fat, relentless ego".¹⁴⁸)

That being the recipient of a good deed should occasion not only gratitude but also humility involves seeing the actions of a morally good individual as at once a prototype for one's own behaviour, and at the same time as presenting a standard against which one's projects may be judged and which is potentially inimical to all of them. Just as interesting as the inescapability of this standard is the way in which morally good actions present themselves as a model to which an individual must conform themselves.

The example of a virtuous individual differs from that of someone who is successful in their chosen way of life, in that the former but not the latter is necessarily relevant to all individuals as a standard against which they are to judge themselves. I might be grateful for the help that I receive from a supervisor, who I take to be a model of how philosophy ought to be done. However, my interest in judging myself against them as a standard is contingent upon my interest in being a philosopher. Insofar as I do not share that end, I am not answerable to their example.¹⁴⁹

With morally good deeds, on the other hand, its relevance to me is unquestionable. Even though I do not need to strive to be like the person whose goodness I admire, I must accept that their goodness prompts me to examine my own behaviour to see how it measures up. Their moral excellence might have consisted in a certain action undertaken in a certain manner, or in a kind of restraint when it seemed that restraint was not called for and could not be expected. Or it might have been an attitude that they took towards misfortune. In each of these cases I need not strive to act (or think) like they do; but I might ask myself

¹⁴⁷*CPrR* 5:77

¹⁴⁸ Murdoch, *The Sovereignty of Good* p.52

¹⁴⁹Just as my answerability to the standards governing a particular practice are contingent in my interest in that practice; cf. §2.2.

whether my ways of acting (and thinking) are such that I can stand behind them; that I might approach this individual without shame.

Beyond its role as a personal standard, moral goodness is, for its recipient, a legitimate source of reflection and wonder which is not connected to action-guidance. (Cf. §§3.32 and 3.5.) Although Kant is right to say that there is a humility involved in confrontation with instances of moral goodness, it can be a source of comfort as well; its tone needn't always be stern. In the case of the depressive who was prevented from taking his own life, the intervention of the other may provide him an antidote to the sense of the hopelessness of life. He may be grateful for the other's intervention for a number of reasons, but perhaps greatest among them is that in so intervening, the stranger re-established the depressive's sense of his worth.

Equally, if Gauguin decides to stay, and sacrifices that which is most important to him in order that he might do his duty, then he provides his children with material for reflection of a sort that will not only humble their self-conceit (curbing, for example, their sense of self-entitlement and inclination to greet misfortune with cries of 'how could this happen *to me?*'), but will also provide them with a powerful defence against despair. Crucially, the way that this reflection proceeds is not through providing his children the thought that whatever happens to them, there is always the opportunity to find value for their life through commitment to being morally good. The fact that he did the morally right thing does not compensate Gauguin for the loss of his chance to paint, and one cannot respond to deep personal misfortune by saying 'well, there is always the possibility of helping others, so what is most important to me is secure'.¹⁵⁰ As well as being an intolerably sanguine response to personal tragedy, that would, I think, involve seeing morality as a project to which one was committed. (cf. §8.2)

Rather than seeing Gauguin as offering them an example of a kind of life to follow, and looking around for some opportunity to do something morally good, Gauguin's children may rather take his example to be a way of reorienting their sense of what is important, of what kinds of setback are bearable, of how to find joy in a life of hardship. Of course, taking the example of their father in this way will entail that, when presented with a

¹⁵⁰ Sometimes Kant suggests that moral goodness can compensate us for our material losses, cf. *GMM* 4:450 and 'Reason Within the Limits' passim. Herman accepts Kant's position, and says (in response to Williams) that despair can always be forestalled by the possibility of being morally good – in other words, that whatever happens, life always has value if politics is possible. Cf. Herman 'Agency, Attachment and Difference' in her *The Practice of Moral Judgement*. This strikes me as intolerably moralistic. And here one may compare the sanguine way in which Socrates greets the possibility of his own death, with apparent disdain for the pain that this will cause his friends and family; cf. *Phaedo*.

conflict between morality and mere self-interest, they will act morally (or else judge that they have failed to live up to his example). To assert that, for them, to be moral would too deeply conflict with their deepest loves, would involve distancing themselves from their father's example – either declaring that their circumstances and his are different, or else admitting that they cannot live up to his standards. In neither case must they take on a further project, that of making the world a better place. They might be interested, as we may imagine Gauguin was, only to live a life of minimal decency and integrity. In this way, the importance of morality is not only demonstrated in its relation to deliberation, but also in the distinctive attitudes about life which it makes possible.

3.43 INESCAPABILITY

AGENT

In discussing the importance of moral considerations I suggested that they were inescapable in a distinctive way. When one is under a moral obligation, one cannot hope to change oneself in order to escape answerability to its standards, because those standards (at least appear to) have their source in considerations which are entirely independent of one's needs and interests. Thus, if there is something that one morally must do, or one judges oneself to have become a wrongdoer for something that one has done, there is no way that one can imagine changing oneself in order to escape answerability to that fact.

However, the inescapability of moral requirements needs to be handled with care, as there is a sense in which considerations which are ethical but not moral are also inescapable. After all, what it means to have a personal project just is to have committed oneself to certain outcomes over others. In all sorts of ways the commitments that one thereby chooses makes one's conception of oneself and whether or not life has gone well or badly dependent on factors outside of one's control. Equally, these commitments will involve an obedience to external authorities – as for example, if one wants to be a great musician one must obey, at least in the first instance, the norms that govern the playing of one's instrument correctly. If I am a cellist then I must follow the score accurately to play Bach's Cello Suite no.1 well; if experts agree that my performance was poor then, however much I may want to avoid this judgement, I cannot avoid its being true of me.¹⁵¹

Furthermore, my ability to choose my projects, and to disclaim my current responsibilities, is limited. For most, if not all, people there are certain dispositions which are so strongly ingrained in their behaviour (and which are calcified through habit and

¹⁵¹Analogously, in a (perhaps overly) literal sense, all facts about my past are inescapable for me, insofar as I cannot go back in time to change my history, and cannot avoid its being *my* history.

legitimised through praise) that they are both practically speaking unable to desist from them, and so important to them that they cannot imagine being otherwise. Such dispositions are so intimately connected with their distinctive perspective on the world that they are incapable of imagining changing themselves to escape from answerability to these demands. (That is what was expressed in the judgement ‘if I were not to care about her/this, I would no longer be myself anymore’.)

In this way, an individual’s freedom to express themselves involves a combination of activity (in choosing what to stake oneself to, and how deeply) and obedience (in acting as one must, given one’s projects together with how the world is).¹⁵² One does not express one’s character in entirely externally compelled actions. (At its limit, something that A does because B makes him teaches us nothing about A; e.g. when B’s intervention deprives B of his power of choice. More commonly, it teaches us something about A’s attitudes towards B, e.g. were B to say ‘do this or I won’t see you again’.) Equally, however, one is not free if one acts in accordance with a vicarious will which is not obedient to anything outside of itself. In such a case one would have no ability to hold one’s course when one judged that an action is called for but is contrary to one’s current desires. So long as at every disappointment one merely changed one’s commitments so that the ways things currently stand is consistent with one’s plans it would be impossible to be disappointed. It would, however, equally be impossible to say of one’s life that it had gone well by virtue of having achieved success in one’s projects – for one would have none. Our conception of the subject must avoid these twin poles of pure receptivity to the world’s deliverances on the one hand, and pure spontaneity on the other. (Where pure spontaneity would involve being committed to outcomes only insofar as one commits oneself to them.)

The synthesis of these two elements of the subject finds itself manifested in a liberal and romantic picture of the free agent, always responsible for their actions and ideally only affected by circumstances when they allow themselves to be, and to the extent that so responding is apposite (in other words reasonable or proportionate, depending on one’s metaphor of choice). This individual adopts ends, and chooses courses of action appropriate to them, and, once that choice is made is then vulnerable to how things turn

¹⁵² Cavell, *CoR* ch.10. The connection between identity and morality is a recurring theme for Williams. As he explains in ‘Some Further Notes on Internal and External Reasons’, his chief motivation for the internal reasons thesis is that only this connects an individual’s reasons to their particular constitution, and hence to their unique identity.

out in the world. (Once the die are cast, they cannot change where they place their bet; cf. §6.3)¹⁵³

Therefore, we must not succumb to the fantasy of an individual's will as potentially capable of stepping back from any particular outcome and determining whether or not to endorse the project which was committed to things being other than they are. That would be to presume that all of our commitments were all contingent on their being endorsed by a 'pure will' – as if we could even in principle at any point shrug and say 'but what is that to me?' and thereby disown any commitment to it.¹⁵⁴ The upshot of this is that ethical failure, as much as moral failure, is something that cannot be avoided merely by a change of mind.¹⁵⁵

Despite this, we can still discern a difference between the inescapability of moral and non-moral requirements, by looking at the difference between our answerability to ourselves for failure in moral as opposed to ethical contexts. That means, in other words, demonstrating the difference between remorse and regret.

In the context of the constitution of the subject, the role of emotions like regret is to provide a psychological tool which links together one's current self with one's past and future states.¹⁵⁶ Regret is a retrospective expression of disappointment which judges of a past action that it was a failure, in other words, an error of judgement. In the feeling of regret one brings one's present self to bear on the past, in such a way that one stands, as author, in judgement over the choices that one made previously. When one thinks 'if I had my time again, I would do things differently', one implicitly asserts the identity of oneself over time (that I now am the same individual as I then) and the commensurability of one's thoughts and values then and now.

Regret is only one mechanism by which we connect ourselves to our past deeds, and it is not necessary to feel it at every failure (or even to feel it particularly keenly at a great failure), in order to retain a coherent practical identity over time. If I fail in a project and do not feel regret, I might take that as evidence that in fact I never cared hugely for that project. Alternatively, I might not feel regret because I have steeled myself against it in this

¹⁵³ I suspect that it is this underlying conception of the self which makes TN inadequate in accounting for moral norms.

¹⁵⁴ This position can be read into Hume. For the image of stepping back cf. Murdoch, 'Vision and Choice in Morality' *PASSV* Vol. 30 (1956).

¹⁵⁵ I take it that this is what Anscombe is insisting upon when she argues that there are 'brute facts' in virtue of which certain normative judgements may be true of an individual without being contingent on that individual's desires or interests. Cf. Anscombe, 'On Brute facts' in her *Collected Papers Vol.III*.

¹⁵⁶ Similar considerations apply to 'positive' emotional states like hope as well.

circumstance. Unless it involves them, no one else can tell me that I *should* regret how things turned out more keenly than I do. (And even if it does involve others, an appeal of this sort will have limited purchase, unless my lack of regret is taken as symptomatic of my being in denial over what happened. If so, that will be a further psychological fact about me which can in principle be settled independently of considerations to do with regret.)

Therefore, it is possible to try to live life to the full and without regret (though of course it may be practically speaking difficult or impossible to achieve); a person who attempts to live in this way expresses a distinctive – and by no means universally shared – conception of their relation to their past, but we are not inclined to think of them as deficient for having this attitude. A person who lives without regret allows themselves to make mistakes, but is disposed immediately to forgive themselves such errors and not to dwell on the past beyond taking practical lessons from it. It may be that as a *generalised* disposition this is inconsistent with having deep and meaningful commitments. But even if that is so, we can still understand it as an attitude in particular cases (and ones concerned with deeply important personal projects) and it can (at least on occasion) be an admirable rejection of maudlin self-absorption and a form of acceptance of the setbacks that the world brings. In this way, one can (hope to) escape answerability to oneself for one's ethical failures, even if one could not hope to escape from commitment to one's most deeply held ethical projects.¹⁵⁷

By contrast, there is no possibility of avoiding answerability in the case of moral failings. Thus, it is not possible to try, despite one's failings, to live without remorse and yet to remain an agent whose excellence cannot be denied. Someone who desires to do evil and yet not feel remorse for having so done is *ipso facto* morally corrupt. They are treating remorse as merely a psychological corollary of wrongdoing and, given its unpleasantness, hoping to avoid it.¹⁵⁸ To someone with an account of remorse as a pained awareness of the reality of what one has done in wronging another, to hope to escape from remorse is to hope to deny or otherwise avoid understanding one's misdeeds. (Cf. ch.8) Of course, one might not share this account of remorse. Someone who thinks of morality as part of the

¹⁵⁷ Similar considerations apply, *mutatis mutandis*, to an acknowledgement of success in one's personal projects by contrast to morally good action. I touch on this in ch.7-8.

¹⁵⁸ Indeed, this avoidance which I characterise as a moral failing, will be espoused as the sensible response of a morally good agent according to many moral theories. Thus, if in this case remorse is not effective in deterring immorality, then (supposing that we are not retributivists about punishment) we should try to alleviate the feeling as much as we can. It is a form of needless suffering and might bring about misanthropy and therefore undermine the individual's ability to act morally in the future. On this consequence of some moral theories cf. §8.3.

ethical will see remorse as a form of regret.¹⁵⁹ However, we have *prima facie* reason to distinguish remorse from regret on the grounds that the latter and not the former can be repudiated by a kind of character – a carefree spirit – whose excellence is still on the cards.

This difference is mirrored in the way in which we may be called to account by others. Suppose someone gives up pursuing their dream of becoming an artist in order to take up a lucrative job in the City. A friend might say to them ‘how can you behave like this, you’ve betrayed your artistic vocation’. To that the individual may reply ‘I no longer have any interest in being an artist’. In that case the challenge has been answered and the friend must withdraw their complaint and modify their conception of the individual’s character accordingly (e.g. ‘I guess he is no longer the sort of person who is interested in those things’). By contrast, suppose someone, either through inattentiveness or malice, wrongs another. The victim of their wrongdoing might say to them ‘how could you do that to me?’ In that case the person cannot disclaim responsibility by saying ‘I no longer care about being a good person’.¹⁶⁰ To respond in that way would be to increase, rather than mitigate, the offence.

Thus, whereas in the case of someone who abandoned a personal project it would be unjustified to continue calling them to account by its standards into the future, in the case of wrongs that one has committed one can always be called to account. It is not in the power of the wrongdoer, through however they might change their character or whatever they might do to try to atone for their wrongs, to escape answerability for what they have done. Only the forgiveness of the one that they have wronged can give them the relief which they are seeking, and even then the fact that they did wrong will still remain as an ineliminable part of their character.

For this reason, a wrongdoer is vulnerable to the maddening realisation that whatever else they do, they cannot escape from the fact of having done wrong. Consider in this respect, an example of someone who decides to have an affair, on the grounds that they are miserable, and that in doing so they might cheer themselves up and so be able to save their marriage. This person might find that, rather than saving their marriage, they have in fact ruined it through their infidelity. The upshot may be an intolerable and irresolvable dilemma – on the one hand, he cannot live without her, and so cannot tell her what he has done (for she would never forgive him, and couldn’t be expected to); on the other hand, he may be unable to live with the guilt of what he has done, guilt which is compounded the

¹⁵⁹ Cf. Darwin, *The Descent of Man* ch.4; Williams, ‘Moral Luck’ pp.27ff.

¹⁶⁰ This point is made by Wittgenstein in his *Lecture on Ethics*.

longer the deceit goes on. The wrong is not just that he has betrayed his partner with (say) a kiss and now lies about it, but that rather the lie makes the betrayal even more monstrous. If confession is not a possibility for someone racked with guilt in this way, then he might judge his situation to be beyond hope. If he loves his wife then he may find it intolerable that she should die without knowing about this betrayal, but equally he cannot bring himself to tell her. While her death would mean that she no longer lives with that lie, it would also rob him of the possibility of telling her the truth.¹⁶¹

This attitude towards his betrayal is intelligible because we recognise that moral wrongs have a distinctive significance. The intolerability of the husband's dilemma is a product of his understanding of what it means to wrong another in the way that he has done. These acts present themselves as far more painful even than his most bitter personal regrets. This is however, only a description of those individuals that we are prone to call morally lucid. It is entirely possible for someone not to have this conception of the significance of betrayal (e.g. if they view it as 'just a bit of fun'). In order to show that morality is categorically different from the ethical (hence remorse different from regret), it needs to be shown that this kind of attitude is necessary for moral lucidity, and that it isn't only a psychological state – that it is cognitive in the sense of being a recognition of some fact and not merely a disposition to feel one way or another.¹⁶²

About personal failures one may achieve peace and acceptance through means which do not essentially require the consent of others. Either in tranquillisers, or psychological techniques for deadening the imagination, or simply through moving on in one's life, one may escape from even the most painful of personal failures. One cannot hope to escape from moral failings in this way, because to live in forgetfulness of the wrong that one has done is to abandon lucidity.

¹⁶¹ For this reason, it is intelligible (and may be admirable) to respond to having been wronged by another with a form of 'stern pity'. (The phrase is Gaita's, describing the attitude of the chorus to Oedipus; *GE* p.44) The victim pities, rather than blames, the person who has wronged them because although they may have been hurt, there remains for the victim the hope that happiness might be possible once again. For the wrongdoer, however, they have deprived themselves of the possibility of living with lucidity and yet being happy. One might say that forgiveness provides them with the possibility of happiness again (§8.1), but while forgiveness may make happiness a possibility, it does not allow one to live in forgetfulness of the wrongs that one has committed. Therefore, certain kinds of joy may remain unavailable to the wrongdoer.

¹⁶² The difference between the person for whom infidelity is serious and for whom it is 'just a bit of fun' is a difference in imaginative awareness of the significance of what they have done. But that is to talk about imagination in a sense in which it connects to reason. Cf. §4.4. One can compare this to Cavell's concept of acknowledgement; cf. footnote 112 above.

RECIPIENT

From the recipient's perspective, the inescapability is shown in the fact that morally good deeds provide their recipients with an experience that will remain a relevant subject of reflection, however their projects may change in the future. To have received morally good treatment from another is to have been a party to an experience in which one may not lose interest, which one cannot forget. By contrast to other elements of one's past (and this applies to one's successes as much as to one's failures) 'It is not something that I care to remember' is not a legitimate response to having been the recipient of a morally good deed. This fact is something of which one is always vulnerable to justified reminder by others. That marks a difference in kind with personal experiences, to which one can – at least in principle – escape answerability by saying 'it was a long time ago, things have changed now'.¹⁶³

3.44 RESENTMENT

AGENT

In respect to our confidence in moral verdicts, and their recalcitrance to our interests, morality is analogous to the law. Being a minimally educated British subject I know that parking on double yellow lines is illegal; having parked on them I know that I have broken the law (and in that sense acted wrongly), without thinking that this judgement of my culpability is dependent on further investigation into my particular interests or psychological constitution.¹⁶⁴ We might put this by saying that moral requirements are in that respect external to an individual – being both immediately obvious (not requiring investigation into one's particular self-constitution) and inescapable. In respect both to the importance of moral considerations, and the coherence of resentment of morality's requirements, however, the moral is disanalogous to the legal. As I have suggested in the previous section, morality is necessarily interesting for the morally good agent. By contrast, a model citizen needn't find the law at all interesting or important to them. In this section I will consider the relation between morality and the law in terms of the intelligibility of resenting their requirements.

¹⁶³ Of course it remains an open question when it will be appropriate for another to remind you of a moral experience from your past. If reminders of this sort sound accusatory, that is because such reminders would only be called for in cases where one had been conceited.

¹⁶⁴ The only way in which e.g. my interest in parking on double yellow lines would be relevant to a judgement of my legal culpability would be insofar as the law builds in exceptions to the laws in certain contexts. But in this case it is not a matter of determining whether I want to obey the law or not, but rather whether or not I have broken the law.

Morality is disanalogous to the law in that while the law may be resented, or obeyed only reluctantly, moral demands are such that when recognised as moral they move one in a way which is incompatible with resentment. There is simply nothing else to think other than that this must be done.¹⁶⁵ In other words, borrowing a Kantian distinction, morality's requirements present themselves as *limits* rather than *limitations* on an individual's choices.¹⁶⁶ (The difference between a limit and a limitation is that one can intelligibly hope to transcend the latter, but not the former. Thus, it is a limitation of my nature that I cannot jump ten metres into the air. It is not a limitation of my nature that I cannot write the highest natural number.)

This expresses the belief that the fineness of moral goodness, the squalor of evil, are such that they render their alternatives distasteful, impossible. It is expressed in the thought that one cannot (really) judge that an action is morally wrong and yet be moved to do it.¹⁶⁷ A justification of this in terms of the fineness of moral goodness aims to make plausible the thought that a complete awareness of the goodness of a course of action will make a suitably individual act in that way immediately and without hesitation. The image of the person who so acts then becomes partially constitutive of our sense of what it means to say of someone that they have judged that a certain course of action is morally necessary.

Our ideal of a morally good response makes reference to the *immediacy* of the connection between the perception of the necessity (i.e. of the need in its context) in order to accommodate the observation (common to Hume and Kant, but not peculiar to them) that morality involves not only acting in a certain way, but doing so *for the right reasons*. By contrast, our ideal of obedience to the law (i.e. of being a good citizen) does not require that we obey the law immediately and without hesitation (indeed, it is part of the reason for thinking of Hobbes' State as particularly tyrannical that it does conceive of the law that way; cf. §5.4). Someone who acts in conformity with the law but who drags their feet and internally dissents from it is not for that reason deficient with respect to the law's own standards. If the State worries about them, it is because their hesitation is evidence that their continued obedience to the law is tenuous; but in terms of their particular action

¹⁶⁵Note however that this observation, as with the previous elements of moral experience, only applies to moral deeds insofar as they are done for purely moral motives, i.e. when one's awareness of the moral requirement is not interfered with by thoughts of one's own projects, or by psychological disablers like tiredness. Someone can judge that a certain action is morally obligatory without seeing it as such, and they might then obey it reluctantly.

¹⁶⁶ A.W. Moore, 'Ineffability and Nonsense', *PASSV77*, 1 (2003), pp. 169-193, esp. p.189.

¹⁶⁷ The caveat 'really' here expresses an awareness of the fact that one can appear to judge that Φ -ing is wrong and yet still be motivated to Φ ; in general, cf. §2.2-4 above.

they cannot be convicted of any crime. By contrast, to act morally but only reluctantly, and to resent having so to act is relevant to our verdict of the fineness of a certain action.¹⁶⁸

The connection between hesitation and resentment is as follows: if I hesitate in carrying out my duties, then that is either simply a moment of weakness which is a product of my frame and hence a limitation only (as e.g. one's response might be curtailed by the presence of a powerful smell) or else it is an expression of the thought that there are other alternatives open (that may be considered), that so acting is not the only choice available to me, and not obviously the best.¹⁶⁹ Taking hesitation in the latter sense is to accommodate the thought that something might, in moral contexts, speak against so acting.

Of course, it is only in ideal cases that morality cannot involve hesitation; in the case of a dilemma (such as that which Gauguin faced) one can perfectly legitimately hesitate over how to act. However, the difference between morality and law comes out in the fact that even in an ideal case, one may always hesitate over the law, and obey it only reluctantly and with resentment, when all that speaks against it is that one doesn't really want to act in this way. So long as one follows the law 'to the letter', there is no way to be convicted for one's reluctance. In the case of morality, to resent the imposition of a moral demand simply because one finds it inconvenient calls into question the goodness of one's action; there is no such thing as obeying morality (only) to the letter.¹⁷⁰

In this way moral requirements are internal rather than external, for we have a model for actions which do not brook resentment: those in which I express what is most important for myself. For example, when Gauguin chooses to leave to paint he cannot resent having so to leave if he cannot imagine things being otherwise, in other words if he cannot imagine still being himself and yet not needing to paint. Since the source of the requirement to pursue his artistic vocation is internal, there is no one to whom the resentment could be directed; so too with morality. (By contrast, in obedience to legal requirements one can resent the State or its officers.) One might reply that in both the case of morality and of personal projects one can resent oneself for having been committed to acting in this way. But, the difficulty inherent in this response is that it is hard to sustain resentment in the face of the fact that no one is making you act this way (no one will stop

¹⁶⁸ Though it doesn't follow that an act that is done reluctantly cannot be morally exemplary.

¹⁶⁹ This distinction mirrors that in Kant between inclination as a mere hindrance to the performance of duty, and as the source of distinct values which can in principle conflict with duty's requirements. Kant is sometimes unclear which of these he means; Cf. e.g. *GMM* 4:397 & 4:405.

¹⁷⁰ Thus we don't have a distinction in morality between obedience to its spirit and to its letter, as we do in law.

you if you try to act otherwise). In the case of both personal projects and morality, resenting the demands is consistent with viewing them as necessary only if one understands the necessity in question as physical – in other words, only if one views them as weaknesses of one's frame.

There are four possible responses to this. Those committed to the homogeneity of the ethical argue that moral requirements cannot be resented because they are necessary means to, or expressions of, deeply held personal projects. The sceptic about moral values says that moral necessity binds on individuals only because it does not occur to people to resent them. (In that way, stepping back from one's moral instincts means freeing oneself from them; cf. §§5.4 and 6.21) A third response (which I call indirect rationalism) secures our obedience to moral requirements through psychological means; resentment is not unintelligible, but (when the moral system functions adequately) is physically impossible (§5.4). A fourth response, which I defend, accepts that (like deeply held personal projects) moral requirements are not fit subjects of resentment even under reflection, but refuses to explain this by equating the moral and the personal.

RECIPIENT

In the case of the recipient of morally good treatment, we cannot talk in terms of limits or limitations incumbent upon them, for in the first instance they are not being called upon to act in one way or another. The analogue for the recipient of the special treatment is that this help cannot, however one's projects might change, be a source of resentment. If someone assists an individual in the pursuit of some end that they have – for example, if Gauguin receives financial support from a friend which enables him to leave for Tahiti – then in future this help might be resented, if one comes to regret having that end (or taking that particular means to it). If Gauguin's priorities change, he may come to see his artistic pursuit as a mere indulgence, and his decision to treat it as more important than his family's needs as a grotesque lack of perspective on what really matters. In that case, he may regret having received the help that made Tahiti an option for him. If he thinks that his friend should have seen matters better, and should therefore have done more to convince him to stay, then Gauguin might even – quite legitimately – resent the help that he received.

When it comes to having been the recipient of a virtuous deed, however, one can neither resent nor regret having been helped in this manner. The reason for this is that what one receives from being the recipient of morally good action is not only the practical help in achieving one's goals, but rather a form of acknowledgement of oneself as an individual. It

is for this reason that moral goodness may be equally well expressed in action that achieves no purpose as in the provision of practical necessities. Consider, in this consider, a friend who says ‘I am there for you’ with an offer of their hand – a gesture which, in certain contexts, can be a great boon for someone who suffers. What is powerful in this gesture is that it tells the person who is suffering that they do not suffer alone.

Of course, someone might take the help while refusing to see it as the expression of moral goodness and thereby refuse to find any value in it. They may accept the help with a sneer, thinking that the morally pure person is either at root hypocritical or else sadly deceived.¹⁷¹ Almost certainly they will think that they do not need goods of this order; that they do not need the hope that is attendant on the possibility of moral goodness. If, however, that help is simply the reassurance that one receives from a genuine connection with another human being, then the attitude depends for its intelligibility on the possibility of living without needs for human relationships like friendship, and for its plausibility on the possibility of such a life being happy.¹⁷²

3.5 PERSONAL & IMPERSONAL

In the previous section, I discussed some of the characteristic features of morality. I suggested that moral claims are distinctive in virtue of their appearing to be both internally and externally constituted. With respect to their indubitability and inescapability, moral requirements are analogous to legal requirements, not being dependent upon further hidden features of the individual or their circumstances.¹⁷³ However, with respect to their importance in our lives and the fact that such requirements do not occasion resentment, moral norms appear to be closer to those of deeply held personal projects. The question then is whether we can give an account of morality which captures these distinctive features of the moral, without reducing it either to the legal on the one hand or the personal on the other.

Mirroring the distinction between the internal and external in morality is that between its personal and impersonal aspects. The impersonal nature of morality is expressed in Wiggins’ observation that when one judges that a certain course of action is morally required, it seems as if there is “simply nothing else to think” in those

¹⁷¹ E.g. Thrasymachus; cf. Plato, *Republic* BkI.

¹⁷² I take the argumentative structure of the *Republic* to be aiming to demonstrate that to aim to live without morality is to hope to live – and live happily – without love.

¹⁷³ It is the fact that moral claims do not depend for their appropriateness on justification in terms of further features of the situation that prompts Gaita to appeal to a “naturalism of surfaces”; Gaita *TPD* p.99.

circumstances.¹⁷⁴ That is originally a Kantian thought. For Kant, moral claims present themselves as limits only because acting otherwise is unthinkable.¹⁷⁵

It is because Kant takes talk of the unthinkable literally that he thinks that judging of a certain course of action that it is morally required entails thinking that any rational agent who is in similar circumstances must, insofar as they understand the situation in which they find themselves, judge the same.¹⁷⁶ Thus, moral judgements are only personal in the minimal sense that they are a product of a particular act of conceptualising a situation (with a view to action). They do not, however, reflect on the agent as a person with a distinct identity, history and personality. Mary and Mark are, from the point of view of morality, just two rational agents, and to know of Mary that she judges that she must Φ and of Mark that he judges that he need not Φ is only to know that Mary is more rational than Mark.¹⁷⁷ In other words, in learning she finds helping necessary, one does not learn anything about Mary's perspective which would distinguish her view of the world from the view of any other equally rational agent.

In contemplating leaving the man potentially to die on the roadside, Mark thinks what is, to Mary, unthinkable.¹⁷⁸ Talking of the immoral as unthinkable expresses the thought that the difference between Mary and Mark is not one about which either can be sanguine. It also expresses the thought that helping was not a decision reached on the basis of a deliberation amongst options.

However, the difficulty with taking talk of the unthinkable literally is that, as Kant dramatises, it denudes morality of any connection to an individual's personality. As I suggest below (ch. 6-8), to see moral responses as being a product of impersonal reason in this way is to fail to capture what is most important in morally good action. When Mary helps the cyclist, her action has its fineness because it is an unmediated connection between two particular individuals, with distinctive histories and perspectives.¹⁷⁹

¹⁷⁴ Cf. Wiggins 'Moral Cognitivism, Moral Relativism and Motivating Moral Beliefs' *PAS* Vol. 91, (1990 - 1991), pp. 61-85

¹⁷⁵ In this he takes literally an analogy between judging that a certain course of action is morally necessary and judging that (e.g.) $2+2=4$.

¹⁷⁶ With the important caveat that we appear to be able to formulate and act on maxims which are, when universalised, incoherent. That possibility (which Kant implicitly acknowledges at 4:431) invites the question of why we should aim to act on universally consistent maxims only. I take it that *GMM* 431ff. tries to answer that question.

¹⁷⁷ On the supposition that Φ -ing is morally necessary.

¹⁷⁸ Gaita, *GE* p.242; Williams, *Utilitarianism: For and Against* 92-93; Winch, 'Moral Integrity'.

¹⁷⁹ This is how I read Gaita's complaint against moral theory, cf. *GE* p.28.

It is for this reason that I introduced the caveat ‘to Mary’ into the description of the unthinkability of Mark’s response.¹⁸⁰ The introduction of this caveat may prompt the reasonable concern that making the structures of what is thinkable relative to an individual in that way deprives it of any genuine content. Specifically, it seems to repudiate the thought that the source of moral requirements is objective; they now become the expression of a personal viewpoint.¹⁸¹

An alternative way of looking at the case is to say that it is the personal nature of the necessity that gives the issue the distinctive importance that it has; what one can think in this situation therefore reflects what kind of person one is.¹⁸² In this sense, the disagreement between Mark and Mary is personal in a way in which an argument over (e.g.) mathematics is not. In order to substantiate the position that I defend, it must be possible to show how moral claims may be necessary and yet personal, without therefore only being the expression of one’s parochial sensibilities; in other words, without the declaration that a certain course of action is morally necessary or impossible being therefore entirely autobiographical.

As I suggest later, moving to the critical categories of depth and shallowness rather than truth or falsity when assessing a viewpoint may help us resist the slide from the non-necessity of this attitude to the conclusion that therefore it is only the expression of a personal outlook. (Cf. §8.2) But my goal here is just to draw attention to the way in which the distinctively puzzling features of moral requirements are reflected on both the external/internal, and personal/impersonal axes.

3.6 MORAL PHENOMENOLOGY

I do not claim that my description of the distinctive elements of moral experience described above will command universal agreement. In various ways people might disagree both with my presentation of these elements of morality or the desirability of any conception of ‘the moral’ which might emerge from them. The thought that, for some individuals, moral duty has these features does not entail that anything that deserves the name of ‘morality’ will do so. I have only tried to diagnose some characteristic marks of

¹⁸⁰ Cf. my description of the case in §§2.1ff.

¹⁸¹ This conclusion is inevitable on Kant’s conception of objectivity. Having insisted that the source of moral requirements must be internal, he then objectivity to consist in universal agreement on its deliverances by all competent individuals.

¹⁸² And compare to the caveat ‘for me’, in Gaita’s discussion of his father’s treatment of animals in *TPD* p.108. There, discussing those for whom killing animals is incompatible with their love for them, he says: “Their example does not, *for me*, show up my father [for whom killing animals was possible].”

one possible sense of what makes moral requirements distinctive. I think that this account of morality is intuitive, and if it can be rendered consistent with naturalism, then attractive. But I do not expect anything that I have said here to convince someone with a radically different conception of what morality should look like.

Furthermore, given the three pronged response that naturalists will adopt towards these elements of moral experience (of accommodation, appeasement and rejection of the various features of morality; cf. §2.6), it should be apparent that there can be no straightforward inference from a divergence between our intuitive account of moral necessity and a theoretical account of it to the conclusion that such a theory is *eo ipso* inadequate.

However, we must be careful not to infer, from the fact that it is possible for individuals to vary in their conception of morality, the conclusion that any conception of morality is as good as any other. Someone who has a conception of the moral as being particularly important in the ways that I have suggested will have a different character from someone whose moral attitudes are different, and we may be able to assess such individuals on the basis of our sense of their relative admirability. This will manifest itself in such things as their attitudes towards misfortune, their demeanour towards others, &c. that would be to suggest that only a morality that has a sense of moral necessity with the distinctive characteristics that I described can capture what is most admirable in the most admirable of people.¹⁸³ It is not my intention to argue for that here. Rather, I am only interested in rehabilitating a sense of morality as having the distinctive features described in this chapter within a naturalistic framework.

If this cannot be done, then (presuming naturalism to be non-negotiable) we will have to abandon or re-interpret these features of morality as Williams and Anscombe suggest. In the following chapter I will give a characterisation of moral naturalism, and sketch four different possible forms that such naturalism can take. As we will see, FNR provides an alternative to its rivals which, I will argue, can accommodate both our naturalistic intuitions, and a *sui generis* conception of moral necessity.

¹⁸³ Cf. Barabas 'In Search of Goodness'; Gaita *GE* passim; Holland 'Is Goodness a Mystery?' in his *Against Empiricism*, Malcolm *Wittgenstein: a Religious Point of View*; Phillips *Interventions in Ethics* passim; Winch 'Moral Integrity'. It is characteristic of morality in this tradition that all its proponents are driven by a desire to bear witness to the demeanour of an exceptional individual with whom they have had contact.

4 NATURALISM

Man models himself on earth,
 Earth on heaven,
 Heaven on the way,
 the way on that which is naturally so.
 - Lao Tsu, *Tao Te Ching*

In this chapter I offer a definition of moral naturalism. I give two conditions which any form of moral naturalism must meet (§4.1). I then use these conditions to give some examples of non-naturalism (§4.2). I distinguish two genera within the family of the naturalistic; romanticism and non-romanticism (§4.31). These genera are further subdivided into formal/material species of naturalism. These species are related to the categories of the rationally and physically necessary (§4.32). Using these distinctions, I define *theoretical naturalism*. It is my contention that our best account of moral necessity is ‘formal non-romanticism’, according to which, moral necessity is *sui generis*. I describe this position (§4.41) and explain what it means to call a kind of necessity *sui generis* (§4.42).

4.1 WHAT IS NATURALISM?

The challenge to morality that I discussed in §§2.6-8 above depended on a commitment to moral naturalism; the thought that there is something intolerable about grounding morality in the dictates of a divine law giver. That invites the question of just what ethical naturalism entails, and whether there might be an alternative available to us that avoids divine law on the one hand and the homogeneity of the ethical on the other. The aim in the following two sections is to give an explication of naturalism. I begin with the following definition:

An account of morality is naturalistic if and only if:

- (i) *It shows how all moral concepts relate non-accidentally to the material needs and interests of human beings.¹⁸⁴ (What we may call in general terms ‘human ends’).¹⁸⁵ And;*

¹⁸⁴ I say ‘material needs’ to distinguish them from what a religious person might call ‘needs of the soul’. Cf. e.g. Weil *Anthology* pp.106-140. How does one draw this distinction? One might put it this way: the material needs of a human being are those needs which feature in a completed ‘science of

(ii) It shows how all moral concepts relate non-accidentally to the empirical conditions in which they apply.

In what follows I will discuss these two conditions in order to show how I think they should be understood. I will argue that a correct understanding of the above definition of naturalism imposes only very weak conditions on when a theory counts as naturalistic.

4.11 CONDITION I

The plausibility of this proposition is based on the contention that morality is a human phenomenon, at least in the sense that the content of moral requirements varies across contexts (cultural, environmental and – arguably – personal) in ways that are too uniform to be accidental. Condition (I) requires that moral epithets such as goodness do not float free of an individual's ends – we cannot simply call whatever state we feel like 'good'. There is a question about just how close we are to make the connection between an individual's ends and moral epithets.

According to Foot, condition (1) entails that it is possible to fix the category of an individual's ends, and the harms and benefits to which they are prone, independently of the practices of moral assessment. We can then use this specification of potential harms and benefits to set the bounds of moral assessment. In this way, it is possible to give morally neutral criteria for the application of a moral concept. As she puts it: "there is no describing the evaluative meaning of 'good', evaluation, commending, or anything of the sort, without fixing the object to which they are supposed to be attached."¹⁸⁶

This stipulation will give us a criterion by which we can determine, for a proposed instance of moral approbation, whether it is legitimately so called. Foot's suggestion that is that moral commendations (e.g. 'Φ-ing is a good thing to do') apply to actions only insofar as those actions are conducive to some natural benefit, and moral disapprobation ('Φ-ing is wrong') applies only insofar as these actions can be expected to bring about some natural harm. This criterion will recognise as legitimate a judgement that intentional harm inflicted by one person on another is morally wrong, and illegitimate a judgement to the

man'. Of course, rather than answering the question this in fact pushes it back one step, for one needs to know what constitutes the 'science of man' and what its results will and will not include.

¹⁸⁵ One must take care over talk of 'showing' here. This condition should be read to entail only that such an account show why it is not an accident that moral requirements are sensitive to human ends.

¹⁸⁶ *Virtues and Vices* pp.112-113

effect that failing to clap one's hands three times in succession at nine o'clock every morning is morally wrong.¹⁸⁷

Furthermore, Foot may insist that it is only if there is some such criterion available to us that we can rule out the putative moral requirements of the madman who is peculiarly deeply committed to his hand-clapping ritual. Although his attitude is appropriately important to him (he thinks that whatever he may want, he nevertheless must clap his hands three times in succession at that time every day) and appropriately general (everyone else must do the same), nevertheless it is not legitimately called a moral imperative, because it doesn't connect in the right way to the needs or interests of human beings.

Foot is right to insist that we do not have an unfettered ability to elevate any consideration into a moral matter, and that it is not merely a matter of depth of psychological commitment that alone makes the difference between the madman and a legitimate case of moral necessitation. However, her criterion is, I think, too strong as it stands. Naturalism requires only there be some connection between human goods and moral imperatives, not that moral concepts track naturally specified human goods and ills. This can be seen in the following two difficulties in Foot's criterion; (i) it is possible for moral requirements to vary independently of our individual or collective needs; (ii) whether a certain natural harm constitutes a moral wrong in a given circumstance cannot be settled without reference to a social context which includes both conventional and moral aspects. Let's consider these in turn.

We do in fact recognise moral requirements which are inconsistent with the needs either of an individual in a particular instance or a community as a whole. Thus, suppose that pressures of human nature render us generally incapable of adhering to the virtues of fidelity and chastity. One might conclude that therefore fidelity is no longer a virtue. (As Hume does; cf. §6.21.) Alternatively, one might conclude that this shows us that human beings are becoming less moral, and regret that as a kind of culturally- or naturally-caused loss.

Certainly, moral concepts (including, but not limited to, obligations) cannot be determined without *some* reference to empirical conditions. In the case of the culture for whom fidelity has ceased to become useful, one feels that we lose a hold of the sense of expressions of moral approbation or disapprobation with respect to fidelity, that the sense of such expressions gradually fades. (If we are to make sense of this, however, it must be more

¹⁸⁷*Ibid.*, p.112

than merely a causal hypothesis (that people stop judging others as reprehensible if unfaithful), but less than a rational requirement (that people cannot rightly judge of others that they are reprehensible if those judgements are no longer useful). (On Hume's picture (as a result of his theoretical naturalism) it oscillates between the two; cf. §6.2)

The second problem is that, as Winch has observed, determining whether or not a certain outcome constitutes harm to an individual, and if so, whether that harm therefore constitutes a moral wrong, is itself a moral question and cannot be settled independently of the activity of determining when moral epithets such as goodness are correctly applied.¹⁸⁸ Winch gives the example of someone cutting ahead of another person in a queue. While behaviour of this sort is both impolite and injurious to those in the queue who are waiting their turn, in our culture we would be reluctant to call that harm a moral wrong. We can, however, easily imagine social conditions under which this behaviour would count as a moral wrongdoing (if, say, a culture were committed to a morality on which the notion of pride played an important role).

The upshot of both of these considerations is that there is no definition of harm which is independent of morality and which can be used to give criteria for when something counts as wrong. As Winch puts it, no culturally invariant concept (such as that of needs) can play the role of an Archimedean point through which putative moral necessities can be tested.¹⁸⁹

Often, conflicts between individuals are not over some particular moral verdict but rather over whether a certain area of human experience is an intelligible or legitimate subject for moral thought at all. Thus, whether the activities of consenting adults in their bedrooms is something which others should take as a subject for moral judgement is itself inherently contestable.¹⁹⁰ In this way, the question of what is a moral subject is itself a moral (and personal) matter. Holland makes the same point when he says that there may be people for whom the imperative not to falsify becomes a "spiritual demeanour". He thereby invites us to imagine someone for whom questions of truthfulness apply not only to the communication of information, but also to one's life more broadly (which one might express using the concept of authenticity). Whether dishonesty to oneself causes harm, and whether that harm constitutes a moral wrong, is not something that can be settled by a morally neutral investigation into the nature of human beings. Rather, whether one sees this as a harm or not (or honesty in this sense as an end for human beings) is partially

¹⁸⁸ Cf. 'Human Nature' in *EA*, esp. p.74

¹⁸⁹ 'Human Nature' pp.86-8

¹⁹⁰ Cf. Diamond 'Moral Differences and Distances'.

constitutive of one's moral perspective. Therefore, if we can credit this spiritual demeanour as issuing in moral requirements, then it is too quick to say, as Foot does, that moral concepts must relate determinately to independently specifiable needs and/or interests of human beings.

Thus, condition (i) ought to be read weakly as requiring only that there be *some* connection between human ends and morality's requirements, i.e. that a putative obligation that bears *no* relation to things that human beings might care about cannot be a moral matter. In other words, we shouldn't take the questions of what is done and what ought to be done to be entirely distinct. Although moral verdicts cannot be read off from the dispositions of individuals, they cannot be entirely separate from how people are inclined to act, from people's needs and interests.

Of course, that is too weak to be of much use. At most, it provides a form for sceptical challenges to a putative moral necessity. Such challenges will now have the form 'how is it that so acting could matter that much?' For our purposes, what is crucial is that respecting condition (i) does *not* require thinking that there are criteria which will allow us to determine that a certain course of action is or is not moral by showing how it relates to our ends. And, specifically, it does not require (as Foot thinks it does) viewing moral requirements as grounded if and only if they are either (inescapable) human ends, or else necessary means to our ends.

4.12 CONDITION II

The truth of the second condition is entailed by the truth of the first, but not vice versa. This is because (ii) is a *general* stipulation of the relation between moral concepts and the empirical conditions under which they apply. Unlike condition (i), it applies to material circumstances (rather than only the ends of human beings) in general. In the first instance, condition (ii) only requires that moral concepts are not fixed and unchanging for all time.¹⁹¹ It stems from the more general naturalist requirement that our concepts relate to experience in some way and not be given prior to experience.¹⁹²

¹⁹¹ Cf. MacIntyre, *After Virtue*; Williams, *ELP* ch.9.

¹⁹² As I have already mentioned, Kant violates this requirement because he takes goodness to be given prior to experience. Thus, we may have no examples of morally good action and yet still have an idea of moral goodness. He therefore avoids thinking that the determination of value is always under one's control, but he recoils to a position where value is grounded in features of the world which are independent not only of an individual's particular ends, but of material conditions entirely.

I will take this relation between our concepts and experience to entail that although our concepts might be such that nothing in the world currently answers to them, nevertheless it must be *possible* for things to be arranged such that the concept's extension is non-empty. For example: the concept of a 'unicorn' (unlike, say a 'square circle') is contentful because we know what it would be for there to be a unicorn.¹⁹³ Analogously, while it may be that there are not, and never has been, any instances of morally good action, nevertheless if we are to know what we are saying when use the concept 'moral goodness', we must have some idea of what would answer to that; there must be some conditions under which we would count an action as morally good.

Importantly, it does not follow from this that moral judgements must be *contrastive* if they are to be sensical. For a concept to be contrastive is for it, as it features in judgements, to divide the logical space into two classes – those states of affairs which accord with the judgement and those which do not.¹⁹⁴ This, together with the assumption that morality is essentially connected to action-guidance, leads to the conclusion that, in judging of a life or an action that it is wonderful (or good), one is thereby committed to saying that other lives or actions are not wonderful, or that one's own life would not have been wonderful, had things gone differently.^{195,196}

In this context it is worth considering what Wittgenstein called judgements of absolute value.¹⁹⁷ As Malcolm has suggested, one example of such a statement was Wittgenstein's own deathbed judgement that his life had been "wonderful".¹⁹⁸ Part of his point in distinguishing absolute from relative values was precisely to rule out the contention that the sense of our value judgements is contrastive. To declare one's life to have been wonderful is not to say that there are criteria in virtue of which lives *of this kind* count as wonderful. Therefore, Wittgenstein is not committed to judging that anyone else whose life was similar in the relevant respects (in terms of the benefits and harms that they accrued throughout their lifespan) also lived a wonderful life. Nor is he committed to a

¹⁹³ Cf. Diamond 'What Nonsense Might Be' in *TRS*.

¹⁹⁴ It goes with this picture, inherited from Frege, that concepts are defined by their role in judgement. Cf. Frege 'On Concept and Object' in P. Geach and M. Black, *Translations from the Philosophical Writings of Gottlob Frege*.

¹⁹⁵ I take it that Kant gestures at this point as well when he talks of a deficient understanding of morality in which empirical concepts are "raise[d] to universal concepts merely by comparing experiences" (4:391). Here talk of 'comparison' implies that we gain universals by finding similarities and differences in different circumstances (e.g. 'this life is wonderful, this one isn't') which we then use to determine standards for the application of the concept in question.

¹⁹⁶ Foot takes these declarations to be implicitly contrastive in the sense that I find objectionable – cf. *Natural Goodness* ch.3 & 6.

¹⁹⁷ Wittgenstein 'Lecture on Ethics' pp.5ff.

¹⁹⁸ Gaita, *GE* p.196; Malcolm, *Wittgenstein: A Religious Point of View?* p.100.

judgement that lives of a certain sort cannot be declared wonderful. Wittgenstein's judgement was not to do with how he thought he ought to act or have acted, and he didn't think that it should be shared by anyone else in relevantly similar circumstances. Despite this, it was nevertheless morally inflected, as it brought with it attitudes towards the wrongs that he had suffered (e.g. forgiveness or acceptance) and the difficulties that he had undergone. It therefore paves the way for forms of response to others (e.g. compassion) which depend on refusing to recoil from another when wronged by them.¹⁹⁹

From this we may take the following two observations: firstly, that moral concepts have experiential as well as action-guiding aspects, and, secondly, that in their experiential aspect such concepts do not need to support generalisations over cases in order to be naturalistic. Naturalism only relies on the much weaker claim that such experiences must be *in some way* dependent upon empirical conditions. Not just *anything* can occasion a morally inflected sense of wonderment, or gratitude. Wittgenstein's declaration depended on its context to have the significance that it did, but it was not therefore limited to that context. Someone could not have said that, having looked at how his life went, Wittgenstein was in fact mistaken in his claim that it was wonderful.²⁰⁰ Equally, however, not everyone could have said, and meant, what he said.

By stressing attitudes of these kinds, one may see judgements about the moral necessity of a certain course of action as stemming from distinctive and value-laden experiences. In this context, the experience of moral necessitation is analogous to Gaita's experience, as a young boy, of finding himself struck by the beauty of nature and, as a result of this, being unable to shoot a rabbit:

I reached the hill in the mid-afternoon. For the first time in my life I was really alive to beauty, receiving a kind of shock from it... The scraggy shapes and sparse foliage actually became the foci for my sense of its beauty and everything else fell into place—the primitive hills, the unsealed roads with their surfaces ranging from white through yellow to brown, looking as though they had been especially dusted to match the high, summer-coloured grasses. It seemed to have a special beauty, disguised until I was ready for it; not a low and primitive form for which I had to make allowances, but subtle and refined...It was inconceivable to me that I should now shoot a rabbit.²⁰¹

Here young Gaita's experience does not commit to any judgements or attitudes about those who do shoot rabbits. As he says:

¹⁹⁹ This should be compared to Scanlon's account of blame as involving the breaking off of relations to others; T. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* p.128.

²⁰⁰ Similarly, they cannot say that he was right by virtue of how things went, either. In this I disagree with Malcolm.

²⁰¹ RMFp.61

It did not mean that I thought others should not kill rabbits, nor that if they understood what they were doing they could not. It did not even imply that I should not shoot rabbits the next day. But it did imply that, if I did shoot them the next day I could not shoot them in the same spirit in which I would have before my experience on the hill. (104)²⁰²

In order to get a handle on what Gaita means by acting “in the same spirit”, the experience described in this passage can be compared to the way in which degrees of intimacy can change a relationship.²⁰³ Beyond a certain point, it may be impossible to go back to ‘just being friends’.²⁰⁴ The burden here is not one of knowledge, so much as experience. It is hard to know how to characterise this except by saying ‘*things are different now*’.²⁰⁵ The notion that experience might change things in ways which one finds hard to explain, and might create burdens (of reflection, or of repentance) from which one may never be free, is one sense in which one might speak of “the life we have lost in living”.²⁰⁶ From the point of view of the argument of this thesis, the appeal to *experience* is important because it emphasises that moral concepts are similar to aesthetic concepts at least in the sense that they do not merely guide action but also refer to distinctive moments with particular ‘feels’. To draw attention to the way in which experience alone can make things different is to suggest that an experience such as Mary’s can itself affect the possibilities open to her, without that influence needing to be explicated in further terms. (In other words, it is the experience itself, and not any consequences of it, in virtue of which things are changed.)

Therefore, the contention that our concepts be related to experience does not require that it provide us with criteria which would spell out the conditions under which the concept would and would not correctly be used, such that we could say, simply by virtue of being competent English speakers with sufficient knowledge of their circumstances, whether a

²⁰² I have elided here Gaita’s claim that this was not a moral experience, because I do not think that his explanation of why this experience was not moral (viz., that it lacks generality) is convincing. Furthermore, and more importantly, even if it wasn’t straightforwardly or simply moral, it was morally inflected, I think. That comes out in the fact that experiences of this sort have a special speaking part to play in moral considerations, e.g. over the hunting of animals (whether for sport, or to eat). In other words, it wasn’t only an aesthetic experience. Young Gaita couldn’t fire the gun because of what it would mean to kill the rabbit, not because (e.g.) it would have destroyed the peace of the scene.

²⁰³ It is the same sense of spirit I appealed to when I said that in morality there is no distinction between its letter and its spirit; cf. §3.44 above.

²⁰⁴ That impossibility is, I think, one of discovering what things can and cannot *mean* anymore; compare Gaita, *TPD* pp.95-105, and cf. below, §§4.4ff. & 7.2

²⁰⁵ This notion of innocence connects with the idea of yearning, a desire for things lost, or to return to an earlier, purer state.

²⁰⁶ The expression is Eliot’s; ‘The Rock’ in his *Selected Poems* p.97. It differs from the other sense in which one might mean that, in the sense that in the mundanity of life, both its bureaucracies and in the narrow mindedness that this encourages, one loses chances to live life to the fullest. The latter has expression in e.g. Auden, “In headaches and in worry...” in his ‘As I stepped out one evening’; the character Leonard Bast in E.M. Forster’s *Howard’s End*, &c.

person who claimed that (e.g.) their life had been a happy one would speak truly in so claiming. Instead, it only requires that in an individual's contention that their life had been wonderful, the truth (or say the appositeness, or success) of that judgement is dependent on the ways things were when the utterance was made.²⁰⁷ Not anyone, in any circumstances, could have made this utterance and it be meaningful. Not every attempt to accept one's hardships and be thankful for them counts as acceptance. (One might find that one says that one is happy, but cannot bring oneself to mean it. One might say that one forgives another, but (perhaps despite oneself) be unable to forgive them.)

In this way, the two elements of the definition of naturalism, when read appropriately, do not require the existence of a relation between human ends in particular, and empirical conditions more broadly, which would either require or permit the giving of determinate criteria for the use of moral concepts. We understand moral concepts through experience, and it is not a coincidence that moral requirements relate to human interests. However, naturalism need imply nothing more determinate about the relations between material conditions and moral concepts. It is my contention that we can capture these two premises without resorting to a theoretical specification of moral concepts. In other words, we can give an account of ethics which respects our naturalistic intuitions (which acknowledges that moral practices are human phenomena which depend on material circumstances and are non-accidentally related to human ends), without thinking that such concepts relate to us by being either ends or means to our ends.

4.2 WHAT IS NON-NATURALISM?

With this definition of naturalism in place, I will now give some examples of non-naturalism. A non-naturalist denies one or both of premises (i) and (ii) above. The most obvious forms of non-naturalism are those which would ground moral requirements in the deliverances of a divine law-giver. On such a view, God lays down moral norms to which we are answerable. Such commandments apply universally and timelessly except to the extent to which God builds exceptions into them, and, furthermore, She has unlimited power to determine the content of such commandments. There would be no contradiction, on this view, for God to command us to act in ways which are deeply contrary to our natures and even practically speaking impossible for us. Considerations about the feasibility or otherwise of acting in conformity with God's requirements will reveal to us the incidence rates of immorality (and perhaps reveal them to be uncomfortably high); but

²⁰⁷ Compare *PI* §510 for an expression of this in a non-moral context.

this does not in any way exculpate us from these requirements. Accounts of this sort violate both conditions (i) and (ii) in the definition of naturalism offered above.

Of course, most (though not all) forms of theism avoid this problem by connecting God's law to the ends that we have by virtue of our creaturely nature; either through the postulation of God's benevolence (so that She approves of us acting, in general, as we are naturally impelled to) or else via the postulation of a commandment on us fully to realise that natural state which God intended for us in the act of our creation.²⁰⁸ (The latter being so-called 'natural law theory'.) But, the point still stands that in theistic accounts of this sort, good actions (or states of affairs) are defined as those which God approves or commands, so that a further premise must be introduced in order to secure even partial co-extensionality between, on the one hand, those things which we need (or cannot help but pursue) and, on the other, those which are good. Accounts of this sort meet condition (i) for those concepts to do with action-guidance, e.g. duty, as the content of our duties necessarily tracks our interests. However, they fail to meet condition (ii), because certain moral concepts (e.g. the right and the good) are defined by reference to the commands of a divine being, which may not match up with empirical conditions in any way. Therefore, such approaches still count as forms of non-naturalism.

Although such theistic accounts provide the starkest example of non-naturalism, there exist secular non-naturalisms; notably GE Moore's position in *Principia Ethica*, and more generally any form of intuitionism that postulates a faculty by which we become aware of moral truths and whose deliverances need not in principle relate to human ends.²⁰⁹

Another example of a secular non-naturalism is Kant's moral theory. As we have seen, Kant's definition of goodness makes it clear that it cannot be grasped through empirical intuition but must rather be presupposed in experience. However, the content of morality is given in the preconditions on rational agency as such, and since we are essentially rational agents ("condemned to choice and action", in Korsgaard's phrase), it is not a coincidence that moral norms relate to human ends.²¹⁰ Kant therefore meets condition (i) (for concepts such as duty and obligation) but, because of his definition of goodness, he fails to meet condition (ii). However, Kant's official theory can be rescued from non-naturalism in this sense, by abandoning the connection between goodness and God, and by insisting that our understanding of the good is not an idea which is given prior to all

²⁰⁸ Excepting those forms of theology on which our sinfulness is not under our control, e.g. the Protestant doctrine of 'total depravity'.

²⁰⁹ G.E. Moore, *Principia Ethica* ch.1

²¹⁰ Korsgaard *Self-Constitution* p.1

experience. Therefore, in what follows, I define Kantianism as a form of TN, intending it to be interpreted in such a way that it meets conditions (i) and (ii) above.

4.3 FORMS OF NATURALISM

With the distinction between naturalism and non-naturalism clarified, we are now in a position to examine the various different forms of moral naturalism, in order to determine whether Anscombe and Williams' argument by elimination for the homogeneity of the ethical is justified.

4.31 ROMANTICISM VS. NON-ROMANTICISM

Recall that Williams and Anscombe suggested that the absence of belief in God leads to a special problem for the justification of moral norms.²¹¹ The question which engaged them is how, in the face of secularism, we can hold onto the reality of moral norms. In this respect, Cavell suggests that we might look to "the other" to "bear the weight of God", i.e. to establish the bindingness and peculiar authority of moral requirements in the absence of a concept of the Divine. The question is whether such an approach represents a distinctive alternative to Anscombe and Williams' own approaches.²¹²

Two contrasting accounts can be given of the source of moral necessities. On the one hand, we may locate the necessity in an act of self-expression; on the other, we locate it rather in the impersonal demands that the world levies on an agent who is suitably placed to recognise them. The former grounds moral requirements in the subject themselves, taking the world to impose demands on one only so far as one's projects require or forbid certain states of affairs. The latter grounds moral requirements in the world itself, and specifically in the requirements that others make on us, which are taken to bind us in various ways whatever we should happen to want, and whether or not so acting is consistent with one's own projects and commitments.

Let us call these two alternatives *romanticism* and *non-romanticism*, respectively.²¹³ We may further subdivide between *material* and *formal* variants of both positions.²¹⁴ Material

²¹¹ One might call this problem a defining characteristic of modernism. In this case, one may take it to begin with Nietzsche's assertion of God's death; Cf. *The Gay Science* §125.

²¹² Cf. e.g. *CoR*, p.470

²¹³ I chose these terms because 'internalism' and 'externalism' are already terms of art and as such are likely to mislead. Reference to 'romanticism' is not supposed to imply that those who ground norms in features of the individuals are committed to the superiority of emotion over reason. I intend to use this term to indicate only that the source of such norms is to be located in the agent themselves, rather in some features of the world to which they are responsive. Romanticism in this sense is a version, in the philosophy of value, of Kant's 'Copernican turn'; cf. *CPR* Bxvi-xviii.

romantics believe that if it is legitimate to say of an individual that they must Φ (for some act Φ), then that necessity must be grounded in some (further) fact about the individual, either to do with their ends or their physical constitution. Formal romantics, on the other hand, ground moral norms in the act of forming intentions, or choosing ends, itself, i.e. in preconditions on agency as such.

Kant is thus a formal romantic, because he grounds the moral law on facts to do with the agent (“... the starry heavens above *and the moral law within*”) and limns the content of the law from (as it were) the inside out; through determining what maxims one *can* universalise and therefore what limits (if any) there are on one’s behaviour.²¹⁵ This activity doesn’t depend on one’s particular ends but rather imposes a formal constraint on the ends which an agent may legitimately pursue. That allows Kant to locate moral necessity in the subject’s act of self-expression, while simultaneously retaining a sense of moral necessity as involving the subject in receptivity to demands which are external to her own needs and interests.

By contrast to Kant’s location of these norms in the formal preconditions of action as such (and therefore in individuals insofar as they are mere agents), both Humean and neo-Aristotelian approaches ground the necessity of so acting in material conditions to do with the agent’s *particular* ends.²¹⁶ In other words, both think that there is some fact about Mary which is a product of her empirical nature which is revealed in scientific investigation, in virtue of which it is true to say of her that she must Φ .²¹⁷

By contrast to romanticism, non-romanticism locates the source of morality’s requirements in considerations external to the agent and to which they are sensitive. By analogy to the distinction between Kantianism and its Humean and Aristotelian rivals, we may distinguish non-romanticism in its material and formal modes. Material non-romanticism locates moral norms in requirements given to us by the particular facts of the situation in which one finds oneself. To ground the necessity in the world is to say that our confidence that Mary must stop and help is no different to our confidence that when following the rule ‘add 2’ she must complete the sequence ‘2,4,6...’ with ‘8’. There is no

²¹⁴ The formal/material distinction is Kantian; cf. e.g. *GMM* 4:428.

²¹⁵ *GMM* 4:428.

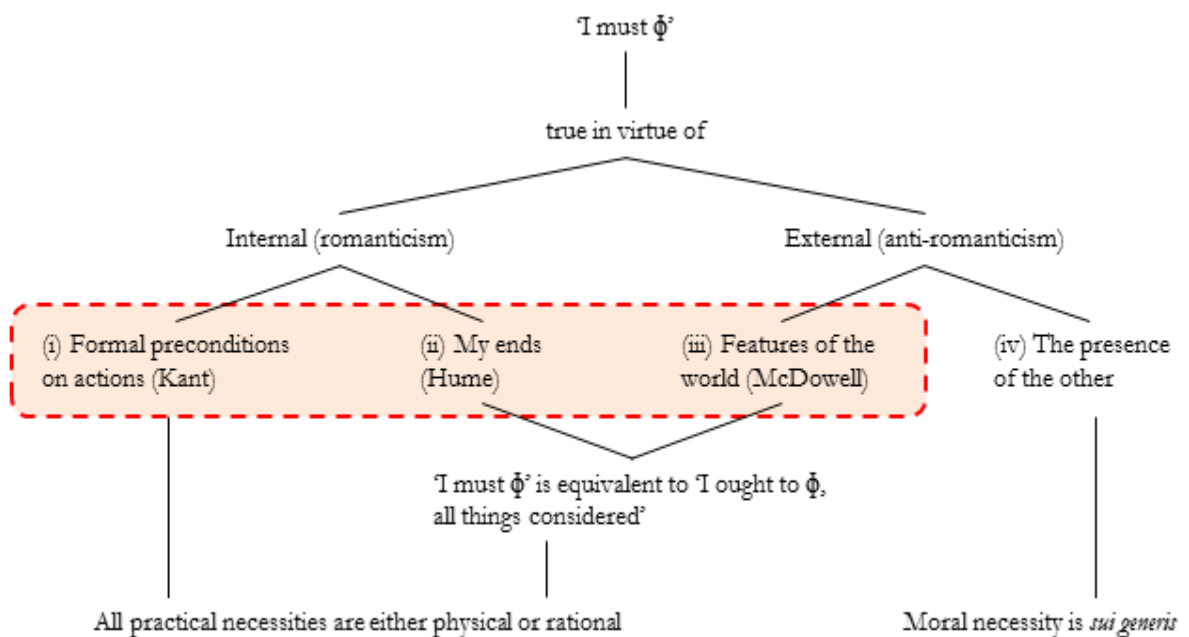
²¹⁶ I therefore think of Aristotelianism as a version of (ii). However, as McDowell reads Aristotle, he would in fact fall under option (iii) – cf. McDowell ‘Virtue and Reason’; ‘Eudaimonism and Realism in Aristotle’s Ethics’ in *The Engaged Intellect*. The plausibility of this depends, I think, on accepting McDowell’s suggestion that (ii) and (iii) collapse; cf. p.95 below.

²¹⁷ They therefore stake our confidence in Mary’s assertion that she must Φ to the possibility of demonstrating that the requirement on her to Φ is psychologically real.

need to appeal to any psychological facts about Mary to know that one is justified in saying of her that she must not write '7' in this circumstance.²¹⁸

John McDowell is an example of a defender of this kind of moral objectivism.²¹⁹ He describes this as a 're-enchantment' of the natural world; in acting well, one is sensitive to objective normative features of reality.²²⁰ That places him in a realistic tradition which grounds moral necessities in features of reality to which suitably raised individuals are sensitive.

For formal non-romanticism to be a coherent alternative, it must be possible to ground moral necessities in considerations which are external to the agent but which are not equivalent to what 'the world' requires. Following Cavell, I call this the possibility of grounding such norms in 'the presence of the other'. We may therefore represent the alternatives here as follows:



The position I defend is option (iv) – a non-romantic account of the source of the necessity which grounds it, not in some particular feature of the world but in Mary's sense of the

²¹⁸A clear picture of that emerges in Weil's insistence that one makes oneself obedient to the world. Weil expresses this point when she says that in morality, as in mathematics, one expresses one's personality only in the kinds of errors that one makes. On this view, personality is relevant to correct moral response only insofar as having certain dispositions is a necessary precondition for being sensitive to the demands which the world levies on one.

²¹⁹Of course he does so in a way which remains consistent with motivational internalism.

²²⁰ Cf. McDowell, 'Virtue and Reason'.

presence of the other human being by whom she is confronted. Her sense of the necessity of stopping to help is thus justified and explained by the fact that there is *another* with whom she is now in a personal relationship, together with her sense of what it *means* for human beings to suffer as they do. (A picture of what I mean by this should hopefully emerge as the thesis progresses. But cf. in particular §4.4 below.)

McDowell suggests that the distinction between (ii) and (iii) may collapse – that all reasons are based on judgements about some features of the world, rather than being dependent on the existence of an independent and logically prior desire on behalf of the individual moved to act.²²¹ For this to be plausible we will have to give some specification of ‘the world’ such that it is intelligible to see it as the source of norms, and furthermore, to justify our presumption that these normative requirements will relate appropriately to the needs and interests of human beings.²²² For my purposes, I can remain neutral on this issue. Even if in its material modes romanticism and non-romanticism are not distinct, nevertheless they remain distinct in their formal modes, and my interest is only in making the point that (iv) is distinct from (i) – (iii).

In this schema, options (i) – (iii) are united in virtue of agreeing that the only way to ground Mary’s declaration is to show that stopping is either physically or rationally necessary for her. I dub the positions highlighted in red forms of ‘theoretical naturalism’.²²³ As I argue in what follows, those who ground practical incapacities in an individuals’ substantial ends (whether romantic or non-romantic about their source) are committed to seeing the claim ‘I must Φ ’ as (if not an awareness of a physical incapacity, then) equivalent to the judgement ‘I have most reason to Φ , all things considered’. I therefore dub positions (ii) and (iii) ‘rationalism’.²²⁴ Kant is not committed to this kind of reduction of practical necessitation. However, he does agree that the only senses of necessity operative in descriptions of agents are physical and rational; what this comes to is the subject of the next section.

²²¹ Scanlon, *What We Owe to Each Other* ch.1; Quinn, ‘Putting Rationality in its Place’ in his *Morality and Action*; Velleman, ‘The Guise of the Good’ *Noûs* Vol. 26, No. 1 (Mar., 1992), pp. 3-26.

²²² The distinction between norms which are grounded in one’s interests and those which are grounded in external considerations and which occasion interests from agents who recognise them was insisted upon by both Butler (Sermon II, §9ff.) and Kant (*GMM* 402ff.). However, unlike Butler, Kant would not permit the world to be a source of normative requirements whose content is set independently of our activity of judging its content. For Kant, it is *the activity* of determining how to act by which the content of moral norms is set.

²²³ On the propriety of calling neo-Kantianism naturalistic, cf. p.90 above, where I argue that Kant’s view can be made naturalistic in the same way that one can accommodate considerations of absolute value within a naturalistic framework.

²²⁴ As with romanticism, I intend this merely as a convenient label.

4.32 KINDS OF NECESSITY

TN grounds the truth of Mary's contention that she must help either in what is rationally required of Mary or else in what is non-rationally physically inevitable for her. This involves distinguishing two different senses in which the modal expression 'cannot' may be meant in the declaration 'I cannot Φ '; either Φ -ing is physically necessary or else it is rationally necessary. In this section I explain this distinction.

An example of a physical incapacity is my inability to lift a car. Here, whatever one may want, there is nothing that would count as one's doing the action – either intentionally or unintentionally – because there are facts about one's constitution in virtue of which this outcome is beyond the scope of one's (current) powers. If I know that something is physically impossible for me, then (*ceteris paribus*) it would be irrational to try to do it or to commit myself to plans which are premised on the success of me so acting.²²⁵ Indeed, for some physical incapacities there is not even any behaviour which would count as some (sane) individual (seriously) *trying* to do the act in question. According to legend, a minor Chinese official called Wan Hu in the Ming dynasty tried to become the world's first astronaut using a chair with rockets strapped to it. Though he could never succeed, Hu could intelligibly try to travel into space, but nothing I could do now would count as me trying to run a mile in under one minute.²²⁶

A paradigmatic example of a rational incapacity is a conclusion of the following form: 'p and 'if p, then q', therefore, q'.²²⁷ Here, insofar as the person doing the judging is rational, they see that asserting the truths of the two premises (p and $p \rightarrow q$) requires assenting to the conclusion (q). In this case it doesn't make sense to encourage the person to *try* to judge otherwise. One can't say to this person: 'I know you find it hard, but can't you *try* to assent to the premises and yet desist from the conclusion? It's not so difficult – see, you just write ' \neg ' before 'q' on the blackboard. It helps if you unfocus your eyes a touch first.' The reason that this is absurd is that an individual who says that they *must* now judge that q is not making an autobiographical remark on their idiosyncratic psychological dispositions. Indeed, for various reasons they might not want to judge that q (it might be unpleasant news). This does not in any way affect the appropriateness of their judgement that they must judge that q. This requirement is one which is independent of an individual's psychological dispositions.

²²⁵ Here '*ceteris paribus*' refers to cases where one might try to do the impossible for instrumental reasons, e.g. I know I cannot lift that boulder, but I will try to anyway, because it will make me feel better, or because I have to do *something*, and there is nothing else I can do.

²²⁶ Cf. Gaita, *GE* p.108; Winch, *EA* 'Trying' passim.

²²⁷ Treating 'I must Φ ' as equivalent to 'I cannot not Φ '.

In rational deliberation one aims to make one's dispositions to judge and act sensitive to a structure which is independent of one's proclivities to respond in one way or another. By contrast, in a case where a certain course of action is physically necessary, one does not need to make one's dispositions track a structure which is independent of one's proclivities. If Φ -ing really is physically necessary, then there is no chance of acting otherwise. In that way, there is no danger in judging that Φ -ing is physically impossible, yet failing by virtue of Φ -ing; to Φ would just show that it wasn't physically impossible after all. Whereas, Φ -ing may be rationally necessary or impossible, and yet one fail to Φ .²²⁸

Sitting ambiguously between these two categories is the realm of the psychologically necessary.²²⁹ An example of a psychological incapacity is the claim 'I can't stop smoking'. This sits awkwardly between the physical and the rational. Unlike with rational impossibilities, it sometimes makes sense to encourage an individual who is in the grip of a psychological incapacity to *try* to do otherwise. ('If you find it hard not to smoke, try sucking on a lollipop.') However, insofar as one's behaviour in this context is determined by a natural proclivity which one's willpower is unable to overcome, the psychological here shades off into the physical.²³⁰ ('I find myself smoking despite myself.') At one end of the spectrum here are entrenched psychological dispositions such as phobias and compulsions. At the other end of the spectrum are cases such as a desire to smoke. In these instances, as our psychological compulsions become more intimately connected with our everyday lives, we start to take responsibility for them, and we may as a result claim that acting in accordance with them is a rational requirement. In that case one introduces these compulsions into one's conception of one's class of ends, and in so doing one attempts to *rationalise* judgements such as 'I must buy some cigarettes'. (E.g. 'I ought to do what makes me happy, I'm miserable if I'm not smoking, therefore...')²³¹

The view that these are the only forms of necessity and that the appeal to necessity in moral contexts must be understood in terms of these categories can be summarised in the slogan 'there are many kinds of necessity, but moral necessity is not one of them'.²³² As I

²²⁸ This corresponds to the distinction between two 'directions of fit' which attitudes may have; cf. Anscombe, *Intention* p.56; Platts, *Ways of Meaning* p.257.

²²⁹ But cf. §5.4 for an important complication of this picture.

²³⁰ As it does, so do our inclinations to hold an individual responsible for having so acted. Pity intermingles with and eventually overmasters blame in our attitudes towards them.

²³¹ Of course, such rationalisations will only be successful if it can be shown that the activity of smoking is a not an unreasonable end for a human being to adopt. Whether ends can be assessed for their reasonability is contentious, cf. e.g. Wiggins 'Deliberation and Practical Reason' in A.O. Rorty (ed.) *Essays on Aristotle's Ethics*. I am inclined to think that they can, but that the evaluation of ends in these terms is insufficient to give us an account of the special bindingness of moral requirements.

²³² Adapting a phrase of von Wright's from *Varieties of Goodness*.

have suggested, this view is the common denominator between Kantianism and rationalism, in other words between options (i)-(iii) in the table on p.93. Both are, in that sense, reductive.²³³

4.4 THE CLAIMS OF THE OTHER

If FNR is coherent, then Anscombe and Williams' argument by elimination for their forms of TN has a crucial lacuna.²³⁴In what follows I will try to show that FNR is a viable alternative, and that therefore the lacuna in their argument cannot be filled. I must therefore first demonstrate that 'the other' presents a distinctive alternative for grounding moral necessities, then show that it is consistent with naturalism, and finally demonstrate its superiority to its rivals. As I read the work of Diamond and Gaita they describe and defend accounts of the reality of moral requirements that are species of (iv) above. Therefore, this section will only very briefly discuss what I take position (iv) to consist in and show how it is consistent with naturalism. I then go on to define TN and to show how it answers the challenge set in §4.1. Ch.6-8 then provide an argument by elimination, from the inadequacy of TN to the conclusion that therefore 'the other' provides us with the best account of moral necessity.

I have suggested that we see our moral requirements as grounded in the presence of the other, where that is taken to be something different in kind from grounding such responses in, on the one hand, 'the world' and, on the other, the subject themselves. The plausibility of distinguishing this view from its rivals therefore depends on explicating both how there may be demands on an individual which are not grounded in that individual themselves, and how the demands of another human being differ from those of 'the world' when the latter is conceived of as a homogenous whole.

With respect to the first of these issues, the idea of an external requirement on an individual's behaviour is a claim about the *source* of the justification for A's judgement that she must Φ . An external requirement is one which is shown to be true by reference to considerations that make no appeal to facts about the agent themselves. Thus, the specification of the considerations in virtue of which this claim is made true will make no reference to the interests or psychological states of the agent in question, except insofar as

²³³ Though rationalism is reductive in a further sense, in that it offers an analysis of practical necessity claims into judgements phrased in terms of 'ought atc' judgements. Cf. §4.2 and ch.6 below.

²³⁴ For the sake of argument I am treating Williams' position as an example of option (ii). However, he can also be read as defending a view of practical necessity as non-theoretical and not equivalent to rational or physical necessitation, but on which practical necessities are neutral between moral and the personal more broadly construed.

that is relevant to the agent's ability effectively to Φ . If the source of the demand on A to Φ is external, then whatever A wants or needs, A must Φ if she can.²³⁵(Cf. §§3.4 and 8.2)

With respect to the second issue, the contention that we ought to distinguish the influence of the world on our actions from the influence of other human beings is another way of capturing the observation that it is not *the cyclist's needs* which is the object of one's response, but rather *the cyclist in his need*. In other words, it is not merely the fact that in helping one reduces the amount of pain in the world which makes helping have the worth that it does.²³⁶(Cf. ch.7) Rather, the worth of the action consists in part in the fact that through helping the cyclist one responds to another human being, and therefore affirms their value as a person with a unique and irreplaceable life to lead.²³⁷

We may therefore characterise the distinction between material and formal non-romanticism in the following way: according to material romanticism, Mary's claim that she cannot walk past is to be justified by some properties of the object (viz., the cyclist) to which she responds; some fact which *warrants* her behaving as she does. According to formal romanticism, it is no particular fact about the cyclist (nor, therefore, some judgement of Mary's) that makes helping necessary, but rather what those facts *mean* in the context of Mary's sense of the cyclist's life. This is 'formal', because the source of the necessity is not to be found in the cyclist's properties but rather in the way in which their presence occasions reflections on their condition and the pathos that it has. Such reflection no doubt begins as reflection on their properties (on, for example, the way in which they suffer and the significance that this suffering has for them), but it is not constrained to them. Sometimes the mere presence of another is enough to make certain thoughts (e.g. about one's freedom, or loneliness; how one judges the possibilities open to one, or one's own fortunes) necessary or impossible. I need not know whether this person will survive, or flourish, or whether they would have lived or not without my help, in order to see them as valuable, and to see threats to their continued existence as demanding a response from me. In that case, I am moved to action by nothing more than my recognition of them as a *human figure* (and all that entails, seeing them as living a kind of life in which there are, or ought to be, limitless possibilities for finding or creating meaning in the world).

²³⁵Of course, A's acknowledgement of that fact will have consequences for A's interests and psychological states – viz., in virtue of judging that he must Φ , A will take an interest in Φ -ing. But the (true) judgement that he must Φ brings about the interest, rather than the interest itself playing a role in securing the truth of the judgement. This is a distinction that Butler noted, and Kant echoed.

²³⁶ Of course a utilitarianism will disagree – but I am not going to consider utilitarianism here. I think it is the fact that utilitarianism cannot accommodate a role for the concept of the human that demonstrates its deficiency. Cf. Williams, *UFA* passim, Gaita, *GE* ch.5.

²³⁷ On which cf. Gaita, *GE* Preface.

The difference between the influence of the presence of another and judgements about them (i.e. about their properties) comes out in the fact that we need an explanation, not only of the *ground* of our judgements about other, but also of the peculiar *alacrity* that certain of those judgements have over others; i.e. the reason why judgements such as that 'he is suffering' and 'he may die' might have the saliences that they do.²³⁸ The urgency of these judgements is, I think, a product of their being ways that *this individual* is affected. And that in turn is a product of our sense of the terribleness of their absence from the world, or of the intolerability of their present condition. Explanations of this go through our sense of the pathos of death, the way that suffering can wreck a life (and in wrecking it, wreck something of distinctive value), &c.

In this way, it is intelligible that the presence of another should ground necessities only because we connect this current presence with thoughts about the future and past— not only about what may be, but also with what might have been.²³⁹ However, although these counterfactuals give the cyclist's occurrent suffering its pathos, they alone do not ground the necessity of Mary's responses. It is *him in his need* that Mary sees, and that makes walking past impossible for her.²⁴⁰ In that expression, as much weight falls on the pronoun 'him' as on his needs.²⁴¹ Thus, the presence of another human being grounds the impossibility of stopping, because it plays a role in giving that person's properties (their needs and ends) the importance that they have.²⁴²

²³⁸ Note that these saliences are manifested both in determining how one must or may act, and also in determining, after the fact, how one is to respond to what one has done. Cf. ch.8.

²³⁹ In this context, one may think of Auden's striking definition of a caricature: "A caricature of a face admits that its owner has had a past, but denies that he has a future." *The Dyer's Hand* p.383. A realistic drawing, by contrast, imparts a sense of the individual as having a distinctive life to lead, as having a future, as being open to change in potentially unforeseeable ways.

²⁴⁰ Another way to put this would be to say that the cyclist appears to Mary *as a suffering human being*. In this context talk of 'appears as' is an attempt to undermine the thought that an awareness of the presence of the other is some distinct element of the experience to be distinguished from awareness of the person's properties. Of course, in some cases the two can come apart – one can become aware of features of another's situation without being aware of their presence (as in, say, television reports), or one can be aware of the presence of another without any awareness of anything about them (when one discerns a silhouette in the fog). Weil talks about the latter – cf. Weil, 'Essay on the Notion of Reading' *Philosophical Investigations* (1990) Vol.13, 4, pp.297–303. On 'seeing as' in this context cf. Cavell, *CoR* pp.378ff; Gaita, *GE* pp.156ff.; Mulhall *On Being in the World* ch.2.

²⁴¹ If it weren't so, then as Wittgenstein insists, we wouldn't be able to make sense of gestures such as comforting another by looking into their face; *PI* §286.

²⁴² In this sense, I would compare the relation between the presence of another and their properties to the relation between the properties of a figure and our sense of it as having depth, i.e. of seeing it in three dimensions. That moral blindness could be a blindness to certain of an object's dimensions is suggested by the Allegory of the Cave; cf. *Republic* 514a–520a. Note also that from the point of view of a two dimensional account of the shadows on the wall (by analogy, from the point of view of Mark's representation of the situation) such accounts are in no way deficient. It is only from the

One's sense of others as uniquely valuable, as irreplaceable in a way in which nothing else in nature is, depends on one's being moved by their presence and modulating our behaviour around them.²⁴³ At the same time, one's thoughts about the value of others (one's awareness, say, of the finality of death and what the loss of another would mean for one's happiness or the sense of meaningfulness of life) may inflect the ways that we respond around them. After being made aware of the fragility and fleetingness of one's relationships with another, one may be less inclined to selfish self-absorption and will no longer take the other's presence for granted.²⁴⁴

It is in this sense that I intend the phrase 'the presence of the other', when I suggested that FNR presents a rival source for the grounding of moral necessities. It is the humanity of the cyclist which grounds the requirement that Mary stop to help. In that case, we might appeal to considerations within the realms of possibility in order to explain her sense of what makes humanity valuable and important. We talk about what might have been, if his life or hers had gone differently. We talk about the significance of death, its inexorability but intolerability. Or we appeal to what it means to die alone on a roadside. In all of these ways, appeal is made to the deliverances of what one might call realistic fiction in order to explain a personal connection – so that Mary might explain why she has been affected by another individual in the way in which she has. The fictional explanation is not constrained to a description or elaboration upon the facts of the situation (any more than one explains one's loves by appealing to the properties of one's beloved, or the harms and benefits attendant upon one's relationship).²⁴⁵ However, this elaboration is in service of the explanation of the personal connection and is not intended to replace it. (By contrast, as we will see, TN replaces the role of the experience itself with our theoretical judgement

point of view of the person who has seen the Forms themselves that mere images on a wall appear as deficient.

²⁴³ Hertzberg, 'Primitive Reactions – Logic or Anthropology?' in *Midwest Studies In Philosophy* (1992)

Vol17, 1, pp. 24–39; Weil, 'The Iliad'; 'Human Personality'; Winch, *TJB* ch.9 & 14. For this reason, I find Cavell's claim that "being human is having the power to grant being human" to be unsatisfactory; cf. *CoR* p.397. It is only in the case of one's behaviour towards dolls and other inanimate objects that one might *grant* humanity, and that is only ever in a metaphorical sense – an individual (even a child) who took their doll fully and literally to be human (without any of the rigmarole of make-believe) would be, to say the least, disturbing. One does not grant humanity to another, one finds it in them, and once found it is indubitable.

²⁴⁴ This change, in the first instance, is only a matter of a change of attention; it needn't require taking an interest in their projects.

²⁴⁵ On the role of realistic fiction in our understanding of moral reality cf. Mulhall *The Wounded Animal* ch.9 & 10. On the idea that love is to be explained through fiction, cf. the accounts of love offered in Plato's *Symposium*. As I read it, the *Symposium* also contains an argument against justifying love on grounds of its utility, or explaining in terms of an awareness and appreciation of the other's properties. Socrates deals with the first in his critique from 201 onwards, and the intolerability of the doctrine of the Ascent is a critique of the second.

upon it. Activity is relevant only insofar as it is *called for* by theory.) To speak of the *humanity* of the other and of their *presence*, is to ground the necessity in an actual experience, but one whose significance is only revealed through imaginative reflection upon it. In that it is both particular (as experience) and general (as involving reflection).

4.41 THE CLAIMS OF THE OTHER & NATURALISM

FNR counts as naturalistic according to the definition that I gave of naturalism above. Our sense of what human life can mean is dependent on natural facts, and our attitudes will therefore vary non-accidentally with variances in those natural facts.²⁴⁶ Our sense of the importance of human life (and of the relative depth of the lives of animals) is dependent in part on how things may go for us if all goes well.²⁴⁷ Thus, in a circumstance in which 45 years old counts as old age, death at 45 would not support the same kinds of attitudes ('he was so young') which it does in our context.

Of course, while our attitudes are vulnerable to changes in experience in this way, there is no law-like connection between material conditions and the attitudes that we can take towards them, such that we could infer from material conditions to the appropriateness or inappropriateness of a given attitude. (Thus, although the development of reliable methods of contraception makes sexual promiscuity or infidelity less risky – sexual infidelity does not involve the same degree of risk to one's own or one's partner's health – it does not thereby invalidate commitment to ideals of chastity or fidelity.) When empirical conditions conspire to make certain attitudes inappropriate, they do so by undermining one's ability to express the attitude without appearing insincere or absurd. But in this case, the critical standards which we are applying (disingenuousness and absurdity) are themselves categories within the realm of meaning. What one finds absurd, like what one finds successful or unsuccessful as an attempt to express oneself, is not something that can be settled by reference to criteria which are couched in terms of natural facts alone.²⁴⁸

Furthermore, to explain why it is that she feels she must stop to help, Mary need only make references to considerations which conform to our naturalistic requirements. She does not need to appeal to a shared sense of goodness which is given independently of experience and which is available to all individuals whatever their cultural or social

²⁴⁶ For example, our sense of the importance of sex is connected to its serving a crucial biological purpose, even though what sex means to an individual is not simply determined by that fact. Cf. Gaita, *TPD* p.186-195..

²⁴⁷ On our attitudes towards animals cf. Gaita, *TPD* passim; Coetzee, *The Lives of Animals* passim; Mulhall, *The Wounded Animal* passim.

²⁴⁸ Of course, this is contentious. But cf. Cavell, *CoR* pp.151ff. for a defence of the claim that these critical standards are *sui generis* (or, in Wittgenstein's phrase, autonomous).

location. Rather, she refers to the presence of the individual in front of her, and in what she takes his condition to consist. This involves a form of ostensive definition ('can't you see how he writhes?') helped on by a sense of context (viz., that he could be back on his bike, that he might have a wife waiting for him, &c.) which is culturally and socially specific, but not for that reason non-natural.

Therefore, although there can be no guarantee of the intelligibility, to others, of Mary's response, the appropriateness of her so acting does not depend on her having a prior grasp of some value which is conceptually independent of material circumstances. The way in which she and others learn the perspective of the good individual (on which walking past is intolerable) is through example and reflection upon it, not through the operation of a faculty whose deliverances are conceptually distinct from the deliverances of the senses.²⁴⁹

4.42 THE SUI GENERIS

In §1.2, I said that the goal of my thesis was to demonstrate how a conception of moral necessity as *sui generis* consistent with naturalism, and to draw from this lessons about the infelicity of theoretical considerations in the grounding of moral claims. That naturally invites the question of what, precisely, it means to call a kind of necessity *sui generis*. By that expression I intend the following:

moral necessity is –

- (i) *Not equivalent to a judgement of what one has most reason to do*
- (ii) *Not definable in terms of physical or rational necessitation*
- (iii) *Different in kind from what is personally (viz., ethically) necessary for an individual*

As we have seen, one may deny (ii) and yet assert (i) (this is what Kant does), but if one asserts (ii) then (i) also follows. Therefore, in order to establish that moral necessity is *sui generis*, I will begin by arguing that the morally necessary cannot be understood as an instance of physical or rational compulsion. One must then distinguish the morally necessary from the broader category of the ethically or personally necessary. Only once this has been achieved will the possibility of a *sui generis* sense of moral necessity have been demonstrated. For the purposes of the thesis, I will assume that the class of the ethically necessary is exhausted by the categories of the rationally and physically

²⁴⁹ On this form of reflection cf. Gaita, *ACH* pp.45ff.

necessary; therefore (ii) and (iii) stand and fall together.²⁵⁰ Thus, my defence of FNR, and hence that moral necessity is *sui generis* in the three senses outlined above, turns on showing that we cannot explicate moral modalities in terms of the categories of the physically and the rationally necessary.

With this conception of naturalism in place, I now turn to TN in order to show both what it entails (including an analysis of its various forms), and why it appears desirable to some. That is a necessary preliminary to my argument by elimination for the superiority of FNR in ch. 6-8.

²⁵⁰It is possible to think of ethical necessity as itself *sui generis*, and as the morally necessary as one element of that. On one reading of Williams, this is his view. This fits with alternative (5) in footnote 61. I do not consider that view in detail here. If it is feasible, further arguments are needed to show that morality is different in kind from ethics. One route for such an argument would be to distinguish remorse (which applies only in moral contexts) from regret (which applies to failures of one's personal projects). The material I give in ch.7 and 8 can be developed to show that, but due to constraints of space I do not offer such an account in what follows.

5 MORAL THEORY

...morality may call on a man at any moment
to surrender [even] the most promising
avenue to his own moral perfection.
- J.L. Stocks, *Morality and Purpose*

At the end of the last section I suggested that my definition of naturalism was consistent with non-theoretical accounts of morality. In what follows I discuss moral theory, in order to determine when a certain view counts as ‘theoretical’ (§5.1). I give some suggestions about why moral theory seems desirable (§5.12). Following on from this I distinguish between reductive/non-reductive (§5.2) and direct/indirect (§§5.3-4) forms of TN. I show how indirect TN exploits a more complex picture of the nature of the psychological than that offered at §4.32. I then explain how the various forms of TN explain Mary’s judgement that she must help the cyclist (§5.5), and end by considering FNR’s alternative account of that judgement (§5.53).

5.1 WHAT IS MORAL THEORY?

Out of the three alternatives to FNR, only (iii) has both theoretical and non-theoretical forms.²⁵¹ Non-theoretical material non-romanticism is in fact a long winded way of describing the position that Dancy calls ‘moral particularism’; the view that moral requirements have their source in the world’s own demands, and that our awareness of these demands is immediate and cannot be captured in terms of principles or the deliverances of a theory which would settle moral requirements outside of consideration of each particular context on its own merits.²⁵² Particularism therefore violates our naturalistic intuitions, because the deliverances of our faculty of moral intuition needn’t bear any relation to our empirically given needs and interests. That moral requirements relate in any way to our ends is, on this view, a happy coincidence. Since our interest in distinguishing (i) to (iv) was to find a way of grounding moral necessity that remained appropriately naturalistic, (iii) can only be a genuine alternative if it is understood theoretically.

²⁵¹ It is an interesting quirk of the schema that (i) has only a theoretical form, and (ii) only a non-theoretical form. Whether one can ground necessities in an individual’s ends without that grounding being a product of theory (i.e. whether there a non-theoretical variant of (ii) is possible) is contentious. I will assume not, but cf. footnote 234 above.

²⁵² Cf. Dancy, *Ethics Without Principles*, ch.1.

Given that (i) and (ii) only have theoretical forms, we may treat the contention that the only forms of necessity are rational and physical as entailing (in the context of naturalism) that moral necessities are grounded in the deliverances of theory. Therefore, according to TN, a characterisation of Mary's response which captures its fineness and demonstrates its appropriateness, proceeds via the provision of a theory which shows how helping is either warranted or inevitable for all well-raised individuals. Generalising this, we may say that according to TN *there is a theoretical elaboration of the concept of the human, and/or human ends which grounds moral judgements by revealing the conditions under which they are true.*

However, this definition is only as clear as our sense of what it means to give a 'theoretical elaboration' of a concept in the context of morality. Answering that question is the goal of the next section.

5.11 IN WHAT SENSE 'THEORY'?

Roughly speaking, a theory is an attempt to give a speculative account of a phenomenon which will *explain* its surface appearances by reference to some hidden mechanism or underlying law, and that *predicts* the way in which the phenomena vary in differing circumstances. Such accounts aim to describe the *essential features* of the phenomenon in question, so that someone who grasps the theory has a better understanding of the real nature of that by which they were confronted. Thus, moral theory is an attempt to give a description of our moral responses which elucidates their essential features.

One can see the necessity of the presumption that moral theory describes the essence of morality by considering the alternative. That would be to make a principle that delimits one's responsibilities without offering any insight into their nature. In the same way, one might make a principle that says 'call every square object and only square objects yellow', and, if the world is suitably arranged (such that the predicates 'yellow' and 'square' are co-extensive) in operating with this principle one will be able reliably to discriminate yellow from non-yellow objects. But it is no part of what it *means* to call something yellow that it be square, and someone who grasps this principle may yet have no idea of that in virtue of which yellow objects are yellow.

No moral theory can aim to be providing only a description of reliable indicators of the presence of goodness in this way. That would be as if (e.g.) manipulating a rational agent means wrongdoing only in the sense that smoke means fire.²⁵³ There are two problems

²⁵³ On the wrong of manipulation cf. e.g. *GMM* 4:428.

with such a view. First of all, such reliable indicators are in principle dispensable (one can see fire without first seeing smoke) in a way in which theory does not take itself to be dispensable. Secondly, one could never move from an analysis of such indicators to a revision of our intuitive judgements (to infer from the absence of smoke to the necessary absence of fire) – but all moral theories are, at least in principle, willing to revise some of our ordinary moral practices.²⁵⁴

Although all moral theories therefore share a presumption that the content of a completed theory will perfectly describe the nature of morality (and would provide e.g. a rational Martian with a non-deficient understanding of what morality is), they differ as to their conception of what kind of investigation (whether empirical or metaphysical, or both) such theory construction involves. We can put Kantianism, Aristotelianism and Humeanism on a scale, in ascending order of the amount of empirical information that is needed in order to determine whether a norm of action legitimate applies to an individual, and descending order of degrees of abstraction from the particular individual:

- (i) Kant – in order to know that there are moral obligations operative on A's behaviour one need know nothing more than that A is a dependant rational agent.²⁵⁵ More empirical information about A's situation, the circumstances &c. is necessary only so far as one wants to supply those obligations with a determinate content.
- (ii) Aristotle – one needs to know that the individual in question is a human being, and that this demarcates a natural kind which has certain characteristic excellences, in order to know that normative requirements apply to them. Further empirical information will be required in order to know precisely what A must do in any given situation, even without this establishing that there are norms which apply to A involves giving those norms some determinate content, since (*qua* human being) we are all trying to develop virtuous dispositions.
- (iii) Hume – determination of the obligations operative on an individual proceeds by investigating their particular psychological dispositions. Considerations of human nature will be useful but one cannot infer from such general considerations to the actual obligations that bind an agent. One cannot know

²⁵⁴ With varying degrees of deference to our 'pre-theoretical intuitions'. For two extremes of that cf. Singer, 'Ethics and Intuition' on the one hand, and Rawls, *A Theory of Justice* pp.30-36 on the other.

²⁵⁵ Where 'dependent' means that one's self has both rational and sensuous aspects. *GMM* 4:413-4.

that A is bound by any norms until one has determined the content of those norms by which A is bound.

All three views can be represented as giving accounts of morality which implicitly respond to the sceptical contention that there are no moral requirements with determinate content.²⁵⁶ Therefore, Kant's approach is theoretical, in the sense that he thinks that an answer to scepticism requires the elaboration of the structures underlying moral requirements which will reveal why they possess their special authority. Kant himself distinguishes between pure and applied moral philosophy, and he claims that they are analogous to the distinction between pure and applied mathematics. In other words, metaphysical investigations provide the moral framework (including the authority of moral considerations and the method for giving them content) and empirical investigation then provides us with the content.²⁵⁷ Thus, a moral claim such as 'one must never murder' is justified by showing how it is an inevitable consequence (given how the world is) of a completed theory of the norms that apply to human action.

This is the sense of 'theory' in which all variants of TN are theoretical.²⁵⁸ It applies equally to Aristotelian and Humean approaches, because both are committed to the claim that the justification for moral requirements is their being shown to be necessary parts of a completed theory of what is best for human beings.²⁵⁹ In other words: a theoretical conception of morality is one in which the claim 'I must Φ ' is justified through the stipulation of a 'because...' clause, which is in turn filled out ('...this is how the *phronimos* would respond', 'this is what I have most reason to do given my desires', '...a maxim to $\neg\Phi$ cannot be universalised' &c.) in terms which depend on the truth of a theoretical conception of the moral subject.²⁶⁰

This view must be distinguished from the claim that the individual who responds virtuously can be represented as making reference to a theory in order to reach verdicts

²⁵⁶ Though it doesn't follow that such theories are designed with the aim of countering scepticism, or could be used to refute it.

²⁵⁷ *GMM* 4:410ff.

²⁵⁸ It is debatable whether Aristotle and Hume separate the metaphysical and the empirical elements of moral theory, as Kant does. That will turn on whether their empirical investigations are informed by an underlying metaphysical conception of the subject. Even if they do, however, they diverge from Kant in that they begin by presupposing the content of the virtues and from there examine what authority such considerations ought to have, rather than vice versa.

²⁵⁹ Thus, one talks of 'virtue theory' and the privileging of certain dispositions as virtues as a *hypothesis* which however well confirmed by experience it may be, may in principle be overturned by the adducement of further empirical or theoretical considerations about human nature. Cf. §6.3 below.

²⁶⁰ As I suggest later, the terms with which theory works are necessarily impersonal (§7.3ff) and operate without respect to tone (§8.2). Just how these features of theory interrelate is a further question which I do not answer.

about what ought to be done. Both Aristotelians and Humeans would dispute the very possibility, let alone the desirability, of moral theory being a decision procedure in this sense.²⁶¹ According to the ‘non-codifiability thesis’, the standards for appropriateness of response in situations cannot be represented schematically.²⁶² Hence, we do not appeal to the deliverances of theory in order to settle the question of how one must act in any particular situation. Whatever is codified could only provide us with rules of thumb – the truly virtuous person will need to know not only what the rules are, but also how to apply them to the circumstances in which they find themselves. If the ability to apply to rules to instances cannot be formalised, then we cannot appeal to a theory in order to settle first order moral questions. For this reason, the deliverances of theory need form no part of the motives of the agent who is moved to act in conformity with its requirements.²⁶³

However, although moral theory does not form part of an individual’s motivations in given cases, as we will see it only remains useful because it can speak to our current practices (and the social arrangements which support them). If it had nothing to say about our current behaviour then it would no longer describe the essence of (our) morality, and accordingly would lose its *raison d’être*. In the next section I will discuss how and why moral theory is taken by its proponents to be useful.

5.12 WHY MORAL THEORY SEEMS DESIRABLE TO SOME

Given that a morally good person does not need to consult theory when deciding what to do, the question arises as to why it should seem desirable to give a theory of morality at all. Curiosity alone is not sufficient as a motivation for attempting to delve behind the ‘manifest image’ of moral duty in order to find some underlying principles or generalisations which support our moral intuitions.²⁶⁴ Rather, theoretical accounts of ethical norms are intended to have justificatory, as well as explanatory, consequences – not only to show how we in fact do assess ourselves and others, but to show that (and

²⁶¹ Kant, for his part, thinks it is unnecessary but not necessarily undesirable. And he thinks that moral requirements (being the product of a universalisability test) certainly can be represented schematically. Cf. *GMM* 4:421.

²⁶² On which cf. McDowell ‘Virtue and Reason’. This is why the virtuous individual needs *phronesis*, practical wisdom.

²⁶³ A point I return to below; §7.3

²⁶⁴ The phrase ‘manifest image’ is taken from Sellers, *Philosophy and the Scientific Image of Man* §2. Sellers is speaking in the context of a relation between our ordinary and our scientific understandings of the material world. Applying that to the case of morality, this thesis is an attempt to defend morality’s “manifest image”, to call into question the feasibility (and hence desirability) of giving a “scientific image” of our moral responses. From a different direction, Winch challenged the possibility of a science of society (and hence of morality) in his *On the Idea of a Social Science*.

when) we are entitled to do so.²⁶⁵ In part that is to answer (or to justify neglecting) an interlocutors' sceptical challenge 'why should I do as you say?' But it is also because we are often faced with cases where we have to decide for ourselves how we are to go on, and in such circumstances we are concerned with making the right decision.

It is for this reason that one does not theorise about moral questions simply in order to predict how individuals will respond – the goal of moral theory is to clarify and change our ways of responding to the situations in which we find ourselves. Ideally, a completed moral theory will allow us reliably to determine, and actively to pursue, those outcomes (of the alternatives with which we are presented) which are morally best. Although theory does not do so by providing us with a decision procedure in particular cases, it therefore nevertheless plays a practical role in governing our behaviour, by endorsing the dispositions which we have cultivated and the importance that these dispositions are given in everyday life. Thus, moral theory plays a general role in guiding and grounding our social arrangements.

The demand that an account of ethics justify as well as explain is made more pressing by the realisation that we have a responsibility not only to exist within our environment but to shape it. It is for this reason that both Hume and Aristotle appeal to the deliverances of a scientific investigation which goes beyond a simple description of our practices. They do not confine themselves to saying that 'in general we approve of acts of benevolence, disapprove of acts of wanton cruelty, &c.' A theoretical account of morality will show how these assessments vary non-arbitrarily; how they track variances in 'how the world is'. Both Aristotle and Hume think that it is only through a teleological analysis of ethical concepts that we can accommodate the observation that moral codes vary based on contexts (environmental, cultural and (maybe) personal) in ways that are too uniform to be accidental.²⁶⁶

Thus, the necessity of theory is born of a suspicion that our unreflective understanding of morality is (not false, but) incomplete. The evidence for this incompleteness includes the fact that that ordinarily we have no conception of how changes in the environment (or in human nature) will bring about uniform changes in the structures of ethical assessment. On the contrary, people tend to believe that whatever changes may occur in

²⁶⁵ With the exception of theoretical accounts of moral requirements which aim to be merely descriptive; e.g. certain forms of sociological investigation into the moral practices of a culture.

²⁶⁶ Of course Hume and Aristotle have wildly contrasting conceptions of the natural, and *a fortiori* in their conceptions of scientific investigation. Although Hume's conception of the natural is non-teleological, nevertheless he still accounts for morality in terms of the concepts of *purpose* and *utility*, and therefore his view counts as teleological in my sense. Cf. §6.1.

the world, morality's requirements will remain constant. In other words, that what we view as wrong (as cruel or shabby or dishonest) will always be so, at least so long as the offence, its circumstances and mitigations are spelled out in enough detail. The difficulty with this belief is that, if the elaborations on the act, circumstances &c. are left indeterminate (e.g. 'intentional killing is wrong and will always be so') then, as Hume would insist, this fails to take into account that changes in circumstances (perhaps hitherto unforeseen, or even unforeseeable) may render this judgement false. On the other hand, if the elaborations are made highly specific ('it is wrong to drink alcohol in Trafalgar square on the weekends and will always be so') then, insofar as they depend on features of social reality which are parochial and open to change, their 'timelessness' is compatible with widespread relativism, i.e. with almost unlimited temporal and cultural variances in moral attitudes.

It is a notable limitation of an unreflective belief in the timelessness of moral verdicts is that individuals with such beliefs will be unable to adapt their prescriptions to fit changing circumstances. Our responsibility for altering (and maintaining) the environment sharpens this difficulty. In that way, in the absence of an explanation of the underlying mechanism by which moral verdicts are determined, we will not be able to secure our own flourishing, for we will be unable to modify our attitudes to fit the environment (and vice versa). The ethical import of these decisions is most acute in the case of the raising of children. Our decisions about how to raise children cannot be based simply on knowledge of how these things have been done in the past. Rather, we must challenge and justify our approach against its rivals, showing that our way is best, or, at least, equally as good as any other.²⁶⁷

The idea that moral theory is made relevant by virtue of its *usefulness* introduces an important caveat to the contention that the ideally virtuous individual makes no reference to theory when determining how to act. While this is so, the deliverances of theory nevertheless still stand over our intuitive moral judgements. Although the content of a completed moral theory will not provide guidance on how to act in particular circumstances, an understanding of the theoretical considerations will reveal that in virtue of which right actions count as right, and accordingly, will be helpful in the determination of social and personal arrangements at one remove from the moment of decision. Thus, although we will not consult theory at any particular moment, when considering how to raise our children, or what habits to cultivate, or what social arrangements to pursue, we

²⁶⁷ The distinction between what to do in a particular instance and how to arrange things in general becomes important again later; cf. ch.6

will be mindful that the right arrangements will be those which accord with the deliverances of our best theory. Therefore, the action of comparing our current arrangements with our best theory will be a good exercise in ensuring that we are acting responsibly. In this way, although theoretical considerations do not enter the consciousness of the ideal agent, they nevertheless remain relevant to how they act.²⁶⁸

It is this talk of the usefulness of theory, of the justification of the existence of underlying structures or mechanisms which explain and justify variances in moral approbation, which is characteristic of TN. To forego the inclination to give a theory of morality is to disclaim the idea that our moral responses could be grounded in this way. As I have already suggested (§4.4), I think that we can accommodate naturalistic observations of the uniformity of moral variance without thinking that morality depends on, or can be elucidated by, reference to a theory.²⁶⁹

There are a number of variants within the family of TN. Two important axes of variation are those of reductive and non-reductive, and direct and indirect forms of naturalism. I discuss these in turn. Those distinctions are important to the argument of ch.6. In that chapter I hope to motivate the thought that the insufficiency of moral theory applies to TN as such, rather than to some variant of it. After elaborating upon these variances, I discuss how they have a persistent problem in accounting for our sense of the distinctiveness of moral necessity. I then argue, in ch.7-8, that the problem with this is the attempt to ground moral norms in rationality, and to see the requirements of rationality as determined by theory.

5.2 REDUCTIVE/NON-REDUCTIVE

The difference between a *reductive* and a *non-reductive* justification of morality's requirements turns on whether or not moral concepts are defined (and their application in a context justified) in terms that make ineliminable reference to moral concepts. Thus, one may justify the claim 'I cannot steal from my friend' either by reference to the end of honesty ('...because it is dishonest'), or else by reference to a non-moral end such as the relative inefficiency of theft as a means of gainful employment ('...because I will get caught').

²⁶⁸ This will be important later; cf. §7.2ff.

²⁶⁹ This is lent initial plausibility through an analogy with love: although love is indubitably a natural phenomenon, and one which both imposes normative standards on an individual and is open to normative assessment in its manifestations (i.e. there is appropriate and inappropriate behaviour in love, and appropriate and inappropriate forms of love for given individuals), but one does not need a *theory* in order to explain and justify the appropriateness of loving responses.

The most familiar form of *reductive* naturalism claims that our obedience to the requirements of virtue is justified by its benefits. Thus, it is claimed that it is only through conformity to a system of such constraints that an individual can enjoy widespread health and enjoy non-moral pleasures (such as the fruits of cooperative labour) and avoid non-moral displeasures (such as the continual fear of bodily harm from the capricious strangers). Peter Geach expressed this point of view when he said that “men need virtues as bees need stings”.²⁷⁰ A *non-reductive* naturalism, by contrast, accepts that moral considerations are *sui generis* and disclaims the project of trying to give an account of our moral concepts and judgements that explains (and justifies) them in non-moral terms. Rather, along with ends such as our needs for nutrition, company and the like, we have moral ends as well – to be benevolent (and receive benevolence from others), to be kind (and receive kindness), and so on. Justification of our obedience to virtue, and more broadly of virtue itself, proceeds through showing how the virtues are ineliminable ends for beings like us, and revealing in turn how superior a virtuous character appears by contrast with immoral alternatives.

Thus, someone who has a non-reductive conception of the value of history will think that it is misguided to say that history exists for us because it serves a ‘deep human need’ that we all share. That is because the need that history serves is nothing more than the need for history. An analogous explanation of the love says that the need that love serves is nothing more than the need for love. Since these needs cannot be expressed in other terms there is nothing to be gained by seeing the study of history and pursuit of love as practices that could be given a justification in terms of their results; in other words, to see them as serving some independent purpose. Similarly, it is because there is no reductive characterisation of the value of these elements of our lives, that we do not take it to be a coincidence that all human beings have an interest in the past, and a need for love. Were another to claim that they were utterly indifferent to others and/or to the past, we would greet that with incredulity. Were they to convince us that this was so (for example, if one met a tribe of people whose attention was always only directed at the present or the future, and who either did not understand, or could not see the relevance of, judgements made in the past tense), then we would be inclined to call them less than fully human for that reason.²⁷¹ In losing that need they have been, to that extent and in that respect, *dehumanised*. (Cf. §7.2)²⁷²

²⁷⁰ Geach, *The Virtues* p.17

²⁷¹ Butler suggests this; cf. *Fifteen Sermons*, Sermon 1. That is the idea that these form elements of our empirically determined nature, which need not be shared by beings of other kinds. Butler sees

By contrast, human beings only need sleep because it allows us to rest our muscles, refresh our minds, and so on. We could intelligibly hope to satisfy that need by other means, perhaps through technological innovation, without therefore wishing to escape from some part of what makes us human, in any sense in which that is ethically important. Another way to put that is to say that these elements of our constitution are not essential to that in virtue of which we might *be humane*.²⁷³ (Of course, certain physical changes might call that into question, e.g. if we managed to secure physical immortality for human beings.²⁷⁴ If morality is non-accidentally connected to mortality, then to hope to escape from the latter is to set oneself against some element of the former. The suggestion that the desire for immortality is a false hope is based on the idea that it would, superficial appearances to the contrary, in fact be inconsistent with some element of our humanity which gives life the value it has. It depends, therefore, on seeing our mortality as a limit which poses as a mere limitation of our natures.)

Non-reductive accounts of our needs are consistent with naturalism only insofar as they take these needs as data that are given to us through a theoretical investigation of moral subjects, and which demonstrate how moral and non-moral needs interrelate in the right functioning of the human being. Although our pursuit of our moral ends cannot be given a *further* justification in terms of non-moral needs or interests that such ends serve, they can nevertheless be justified by demonstrating that their realisation is an essential part of attaining happiness. It is through justifying them in this way that one demonstrates the non-accidental connection between these requirements and our needs and interests, including those that are non-moral.²⁷⁵

In the absence of an explanation of this sort, non-reductive naturalism is in danger of sliding into dogmatism. McDowell can be interpreted as espousing a view on which reasons for action are a part of reality to which we are sensitive in right action. That would make his view a version of (iii) in the table on p.93. He has argued that this is consistent with an Aristotelian form of naturalism.²⁷⁶ However, in order for this to respect the

the existence of conscience as an empirical hypothesis in this way; Kant disagrees. For Kant, our postulation of rationality to other beings, and our concomitant sense of them as bound to the moral law, is not based on empirical certainty.

²⁷² But cf. Winch, *EA* 'Human Nature' pp.86-88 for an important qualification on this. Although we may speak of dehumanisation in this context, we must be careful not to assume that there is a fixed conception of human nature upon which moral claims can be grounded. Cf. §7.2 below.

²⁷³ As Butler does; cf. *Fifteen Sermons*, Sermon 1.

²⁷⁴ Williams, 'The Markopoulos case' in his *Problems of the Self*; Wittgenstein, *Tractatus* 6.4312.

²⁷⁵ In other words, between the requirements of our first- and second- natures.

²⁷⁶ McDowell, 'Two Sorts of Naturalism' in Hursthouse, Lawrence, and Quinn, eds., *Virtues and Reasons: Philippa Foot and Moral Theory*.

naturalist intuitions as I have described them, one needs to postulate a necessary harmony between the world's own requirements and our empirically conditioned ends.

Without such a harmony, McDowell's view is in danger of being a dogmatic non-naturalism on which reasons (with determinate content and distinctive authority) are simply postulated. (And this is likely to prompt scepticism as a response.) On the other hand, McDowell's explanation of the way in which the world comes to be imbued with reasons needs to avoid giving an explanation of this process which makes it overly dependent on social convention. Thus, Anscombe argued that we could infer from 'is' statements to 'ought' statements so long as the 'is' statements were recognised to depend for their sense on a background of socially conditioned expectations. In that way, we could infer to the conclusion that Mary ought to Φ in the same way that one can infer from the fact that you owe £3 for a sack of potatoes to the conclusion that you ought to pay £3 to your creditor.²⁷⁷ However, while appeal to considerations of this order might settle the legitimacy of such inferences in conventional circumstances, to explain moral norms in just the same way makes them overly dependent on a background of social conditions.²⁷⁸ As we will see in the discussion of Hume's conception of the artificial virtues (§6.21 below), it therefore cannot capture the distinctive features of moral necessity expounded in ch.3 above.

Rather than dwell on this point here, for our purposes it is important only to note that non-reductive naturalism owes an explanation of the connection between the ends of human beings, and between these ends and empirical circumstances, which shows how they vary non-accidentally. It should also be noted that even on a non-reductive account of our ends, naturalism of this sort remains wedded to the dichotomy between rational and physical necessitation. This is because, in making moral norms commensurate with non-moral norms (whether their source is to be located in the subject or in the world to which they are responsive) they are committed to the view that our judgements of what we must do are similar when considering both moral and non-moral subjects. That means they are judgements which are reached through the faculty of reasoning. Even if (as with McDowell) a non-reductive naturalist denies the feasibility of giving an inferentialist conception of practical reason (cf. §2.5), they remain committed to seeing a practical

²⁷⁷ Anscombe, 'On Brute Facts' passim

²⁷⁸ This objection was made by Holland, 'Is Goodness a Mystery?' in his *Against Empiricism* pp.105-6; Phillips, 'Miss Anscombe's Grocer' *Analysis* (1968) Vol.28 no.6, pp.177-179; Phillips, 'The Limitations of Miss Anscombe's Grocer' *Analysis* (1969) Vol.29 no.3 pp.97-99.

conclusion as, if more than merely caused, the outcome of an intuitive reasoning faculty. It is this dichotomy which will be challenged in ch.6ff.²⁷⁹

5.3 DIRECT RATIONALISM

Theoretical naturalists think that an account of morality's requirements can be entirely adequately expressed in terms cognate with the concepts of need and interests, because they see these as the source (and justification) of ethical norms. Thus, judgements such as 'I can't steal from my friend', and general exhortations such as 'never steal' or 'be an honest person' are justified by reference to the ends to which individuals are committed and to considerations about the effective means to the satisfaction of those ends. *Direct justifications* locate the bindingness of moral considerations in either an individual's ends or the means which are necessary to them. In the case of an individual for whom honesty is an end in itself, stealing to satisfy a desire for money is ruled out as inconsistent with one's purposes (and is, in that sense, *self-defeating*, in that one's ends form a consistent whole which would be undermined by this action which purports to serve that final end). For an individual for whom honesty is not an end, theft may still be ruled out as an ineffective *means* to the desired end – if it undermines either the purpose for which the deed is done, or if it undermines some other project to which they are independently committed.

5.4 INDIRECT RATIONALISM

By contrast to direct forms of rationalism, *indirect justifications* of moral norms explain their bindingness on an individual by showing how such requirements impose themselves as independent constraints on the individual's deliberative processes. In other words, moral requirements work not by incentivising a certain course of action, but rather by structuring the range of choices available to an agent in a given situation. Certain options become either physically impossible for them, or simply disappear from the range of alternatives present in their deliberative field of choice.²⁸⁰

The difference between direct and indirect justifications of moral requirements can be represented as a disagreement over whether for every individual A in circumstances C where Φ -ing is morally required, there is a reason for A to Φ in C. Indirect justifications of morality claim that in certain situations no reason may be offered for A to Φ ; the norm is

²⁷⁹ I take that dichotomy to be that which McDowell describes as the distinction between on the one hand the "space of reasons", and on the other the "realm of law". Cf. McDowell, *Mind and World* passim, esp. Lecture II.

²⁸⁰ Thus, on this view, wrongdoing is no more possible for a well-raised individual, than moving through check is possible for a well-designed Chess playing computer program.

effective only because no question of the justification of A's Φ -ing arises.²⁸¹ Direct justifications, by contrast, think that for any individual A in circumstances C where Φ -ing is morally required, the question 'why should I Φ ?' can be raised and satisfactorily answered.

Thus, in a context in which the requirement not to Φ is sustained through indirect mechanisms, the necessity of A's $\neg\Phi$ -ing is psychological-cum-physical; it is (for a well raised individual) physically inexorable. Therefore, if A asks why she shouldn't Φ now, given the situation in which she finds herself, no rational justification in terms of her ends will be forthcoming.²⁸² However, a justification *can* be given of A's participation in a system in which she has been habituated to respond in this manner. And so the question 'why be a good person?' can still be raised and answered, even though in *particular* circumstances the question 'why do what is morally required?' cannot arise.

Indirect justifications of moral norms feature as a constituent of views of morality as being – at least in part – a tool for the securing of ends to which we are independently committed.²⁸³ Hobbes gives a good example of such a view in *Leviathan*.²⁸⁴ Thus, suppose that we are all committed to the distinct ends of mutual cooperation and personal security. While in ideal circumstances there need be no inherent contradiction in the satisfaction of both of these goals, were conditions to become inclement – in periods of instability or privation – then our need to secure our own individual safety will conflict with our interest in trusting others and cooperating with them. This is the circumstance that Hobbes envisages in his State of Nature. In such circumstances reason must adjudicate between our goals in order to ensure that our behaviour is maximally effective. Hobbes argues that reason would require in these circumstances that trust for others extend only so far as it is consistent with the imperatives of personal safety.²⁸⁵

²⁸¹ I leave this ambiguous between there is no reason in C for A to Φ because talk of reasons is not intelligible here, and there is no reason in C for A to Φ and it is possible that there is a reason for A to $\neg\Phi$. This difference, though important, is not relevant for my purposes here.

²⁸² On which cf. §§6.21 & 6.31 below.

²⁸³ In part if one has a mixed conception of morality as both a collection of ends or means and as an independent constraint on one's means. For a fuller discussion of the possibility of this sort of view, cf. §6.21ff. below.

²⁸⁴ Although the *Leviathan* is ostensibly a work in political philosophy, it has obvious ramifications for Hobbes' view of morality as well.

²⁸⁵ There are a number of reasons one might think that. One is that we are each instinctively built for survival, and for Hobbes reason is a tool which has as its primary purpose helping us to achieve that end. Another way to argue to the same conclusion would be to point out that trusting others is something that one can do piecemeal, and which depends on being alive, whereas surviving is an all or nothing affair. This allows us to run a Sorites-style argument against trust: on this occasion, I will betray my neighbour in order to secure the goods I need to guarantee my survival, and then when

Thus, in the State of Nature we want to trust others, but cannot so long as we recognise that powerful reasonable considerations will compel them to betray us once we have trusted them. In order to escape from this situation, Hobbes thinks that we need to impose independent constraints on the means that we can take in the pursuit of our ends, in order to rule out the possibility of betraying others. (And this constraint must apply as much to us as to others, as in order to secure the best possible circumstance for ourselves we must be saved from ourselves, from our inclination to betray others whenever we feel unsafe.) In this context, ‘independent’ means that these constraints are inescapable and apply to individuals whatever reason should tell them is the best thing for them to do in the circumstances.²⁸⁶ Therefore, reason requires that we create a mechanism of absolute prohibitions which rule out certain courses of action and which is enforced, both by an external authority (the Leviathan) and by an internalisation of its requirements. This mechanism, introduced at reason’s behest, limits the scope of reason’s ability to govern the behaviour of individuals; even when reason counsels against obedience to the Sovereign’s requirements, its counsel is impotent because the law is maintained through psychological barriers whose grip on the agent is stronger than reason’s. The system which emerges from this mechanism, which for Hobbes is a species of political authority, constructs the moral law by giving it both content and authority, securing its purchase on the dispositions of individuals through a combination of psychological inculcation and the threat of sanction.

For Hobbes, if we can on occasion ask in reflective mode ‘why should I Φ ?’ (for some legally required action) that is only because we have forgotten that actions of this sort are required by the Sovereign. Analogous to the state of a phobic, the fact that the Sovereign commands it can feature as an input into deliberation (as in ‘I’d better not write that tract, because it will displease the King(/Coalition)’), but only because when in confrontation with the State’s authority its edicts command immediate and non-deliberative obedience. (On the phobic; cf. §5.41) The mechanism by which conformity to these requirements are secured is the cultivation within the State’s subjects of a sense of the awesomeness of the Leviathan’s power and the gloriousness of its institution. When the Leviathan commands

the next neighbour moves in I will undertake to trust them instead, and so on. In this way, instance by instance, the bonds of cooperation are torn apart.

²⁸⁶ Once these constraints are in place, the calculus of risks and rewards attendant upon cooperation and obedience changes, and therefore ordinarily what the Sovereign requires and what reason commands will pull in the same direction. However, it is not always so – they come apart e.g. when the Sovereign sentences an individual to death, or enlists them to fight in a war (in contexts where in failing to fight death is not assured). In these contexts, the edicts apply even though they are not rationally endorsed – cf. Hobbes, *Leviathan* ch.11.

obedience no question arises for a subject of whether obeying is the best thing to do; in the face of a power which infinitely outstrips one's own all deliberative questions are silenced.

In this way, morality becomes a device for securing obedience to certain ends and for ruling out certain prospective courses of action which would otherwise present themselves as effective means to the satisfaction of our interests. Its authority is such that its edicts cannot be challenged. And, since it operates as a constraint on ends and not as an end itself, it cannot intelligibly be weighed against non-moral ends in deliberation. What is noteworthy about this is that it exempts morality's requirements from the strictures of justification in terms of the nexus of ends and means to which that agent themselves finds themselves committed. Moral norms are, on this picture, independent psychological constraints on the ends and means that present themselves as options amongst which an individual chooses.

An analogy between moral and legal norms both builds on and reinforces this understanding of the nature of moral justification. *Prima facie*, the law gives a prototype for morality. The law is an example of certain actions being required or permitted by virtue of having the property of being against or consistent with the law. If a certain course of action is illegal, then one speaks truly if one says to an individual that they must not so act. Furthermore, that constraint appears to bind us without making reference to our desires. While it may be true that I have a reason to abstain from illegal behaviour only if I want to obey the law, nevertheless I act wrongly (*viz.*, illegally) if I act contrary to the law's requirements, whatever my opinion about criminality might be.

However, as I suggested earlier (§3.34), there are disanalogies between the law and morality in terms of the intelligibility of resentment and reluctance in the obedience to their requirements. Indirect TN attempts to smooth over this difference by making legal constraints psychologically binding, and describing the mechanisms of compliance in moral political cases in identical terms. It is this which leads to the suspicion that a Hobbesian conception of the origins and justifications of normativity leads to moral scepticism.

5.41 PSYCHOLOGICAL NECESSITY & DELIBERATION

Indirect naturalism involves a more subtle account of the nature of the psychological than that which I gave in §4.32. Earlier, I described psychological incapacities as standing ambiguously between the physically and the rationally necessary. On the account that I gave of those necessities, the psychologically necessary is no threat to the smooth

functioning of the individual's ability to reason about their circumstances and act on the results of that reasoning. (As physical incapacities, psychological barriers are, as I presented them, no different in kind from external barriers such as impassable walls or immovable objects. This is not always wrong as an account of psychological incapacities (when one has taken a certain attitude towards them – cf. §5.41), but it is not universally correct.) This ignores the fact (crucial for indirect forms of rationalism) that the psychological doesn't only provide material upon which reason operates to determine how one ought or must act in a certain situation, but may also undermine or interfere with an individual's ability to deliberate effectively at all. We may therefore distinguish the following four roles for the psychological. On the first two psychological considerations enter as inputs into deliberation, on the latter two as interferences to deliberation:

1. Making considerations into reasons for A and/or rendering certain considerations irrelevant to A. Determining the weight and polarity of certain reasons for A.
2. Structuring A's deliberative field of choice by determining what possible courses of action are available.
3. Silencing deliberation by making A act immediately (or by rendering A unable to think or act at all).
4. Undermining A's ability to reason soundly.²⁸⁷

Regarding options 1 and 2, the particular constitution and strength of my desires, values and projects play a formative role in determining how the world presents itself to me by turning considerations into reasons with determinate strength and polarity. One axis of variation between individuals is their difference in what they take an interest in. To a British subject who cares deeply about the success of the nation's universities, for example, the fact that the Liberal Democrats would raise student fees is a relevant consideration in settling the issue of whether or not to vote for them. The degree of importance of this consideration in an individual's decision making process will be set in part by the voter's depth of commitment to the fate of higher education. By contrast, to someone utterly indifferent to the dreaming spires, it may not be a relevant consideration come polling time at all.

²⁸⁷ Thus, psychological incapacities may be distinguished from practical incapacities by virtue of the fact that the former do not depend on the truth upstream of a deliberation that culminates in judging of the putative course of action that it is necessary/impossible. Rather, a statement of a psychological incapacity may be made true by considering the effect of the presence of the object on one's ability to deliberate, rather than considering the outcome of any particular inference.

In general, the role that such considerations will play in deliberation, as well their relative importance, is determined in part by psychological features of individuals. Desires in this way set one's ends, and by so doing they structure the reasons that an individual has for a given course of action in a given set of circumstances.²⁸⁸

Equally, when assessing what I have most reason to do, I can take into account my psychological proclivities as presenting limits on the choices open to me, in just the same way as I do other elements of my physical constitution and environment. For example, if it is a fact that I cannot pick up spiders because of my morbid fear of them, then I may judge that the course of action which involves picking up spiders is simply not one that is open to me (any more than is the course of action that requires me to jump a longer distance than I am physically able).²⁸⁹

Besides this, psychological effects may determine an individual's behaviour not through informing the structures of deliberative inference but rather by upsetting them (as in option 3 above). For example, when confronted by the object of my fears I immediately strike out at it without being capable of thinking of the appropriateness of this response in the given circumstances.²⁹⁰ Alternatively, in the presence of a line of riot police I find myself incapable of thinking or acting at all – the effect of my confrontation with a force so surpassing my own capacity to resist it is to render my own capacities for independent thought impossible. Lastly (option 4), there are cases in which emotion clouds one's judgement – when, for example, anger makes one generalise unsafely from a particular case ('she lied to me') to a universal judgement ('everything she says to me is a lie').

Psychological necessities appear as both inputs into, and conclusions of, deliberative practical inferences, as in the following two examples:

²⁸⁸Of course, desires are relevant to deliberation on how one should in a given situation only insofar as the subject-matter at hand permits them to be relevant. If we are engaged in solving a complex sum, then our particular desires or interests are not at all relevant to a determination of how we ought or must act. The determination of whether an individual's desires are relevant to the question of what they have most reason to do may itself be an impersonal matter. Thus, it will be an open question whether the Liberal Democrat's opinions about higher education should be equally relevant for all reasonable individuals, or whether it can vary based on one's interests. That depends on one's picture of politics. I am assuming that desires can be reasons, against e.g. Quinn 'Putting Rationality in its Place'. But nothing in the thesis turns on this.

²⁸⁹It might be said that under this aspect, psychological incapacities involve a kind of duplicity or *mauvais foi* – one views one's psychological limits as out of one's control in a way which involves dissociating oneself from them illegitimately. However, while there is some justice to this complaint, when psychological incapacities are firmly entrenched they can, I think, legitimately enter as a rational exculpation from a certain course of action.

²⁹⁰One might say that this is unintentional if it could not be represented as being preceded by a deliberative inference that terminated in the action. I am not convinced that we have to treat the intentional as connected to the deliberative in that way. The issue is complex, however; cf. Anscombe, *Intention* for discussion.

(A)	(B)
I cannot stand the sight of spiders	Spiders are hairy
That room is full of spiders	That is a spider
<hr/> I should not go in that room	<hr/> I cannot touch that

The validity of (A) depends on the interpretation of the ‘cannot’ in the first premise. We can either understand ‘cannot’ as declaring that I am very strongly committed to the end of spider-avoidance, or else we can understand it as declaring a physical limitation on my behaviour (which is, presumably, a product of my constitution and thus not different in kind from the claim ‘I cannot stomach spicy food’). In the former case the validity of the argument is dependent on this end trumping all other considerations in this context. It is therefore provisional on having satisfied oneself that there are no further relevant ends which would upset this conclusion. In the latter case the inference is logically secure because the psychological impossibility is a physical limitation on one’s behaviour – since I simply cannot bring myself to act in that manner then no inference can end with the contention that this is what I ought to do, at least when action is in question.²⁹¹

In order to make (B) into a valid inference, appeal must be made to a suppressed premise along the following lines ‘I do not like spiders’ , and circumstances must be such that I have a reason to do what I want to do, and there are no stronger reasons which speak against so acting. In the absence of an additional premise along these lines, the conclusion only ‘follows’ from the premises in the sense that their contemplation occasions this response in the individual. (As in the imaginative process of contemplating picking up a spider making one feel physically ill and therefore incapable of touching the spider.)

Understood in this way, inferences of type (B) provide us with a third route for accommodating statements of moral incapacity. On Hobbes’ conception of the mechanism of compliance to the law, an ‘inference’ to obedience would go as follows: ‘ Φ -ing is illegal; to do that would be to Φ : I cannot do that’. (And *mutatis mutandis* for morality.) The scare quotes around ‘inference’ refer to the fact that this is only apparently valid; that this conclusion follows is only a product of the fact that alternatives are not (or, for psychological reasons, cannot be) considered. This therefore provides a model for normative compulsion different from those of the straightforwardly rational or physical, as typified by (A) and described in §4.32.

²⁹¹ Whether it may truly be said that one ought to have done something that one physically could not have done (and therefore whether one is blameworthy for having failed so to act) will depend on whether one accepts the dictums that blame entails having been able to do otherwise, and that ‘ought implies can’.

In their non-rational aspect (i.e. 3 above), the psychological-cum-physical provides a means for a naturalist to hold onto the categoricity of moral requirements without relating them to the means or ends that agents have. To call a requirement not to Φ overriding in this sense is to say 'there is no deliberative procedure which culminates in the individual Φ -ing'. As I suggested, that allows us to accommodate both the fact that moral and non-moral requirements are not commensurate in deliberation and that moral requirements may be contrary to one's ends.

Thus, the distinction between rational and non-rational necessitation allows us to introduce a role for ethical norms to act as constraints on individual's behaviour, without including them in an agent's deliberative processes. Indirect forms of naturalism depend on moral behaviour being compelled through non-rational means; in a given situation an individual does not (and cannot) step back and question whether they have most reason to act morally or not; they have been trained simply to do as morality requires.²⁹² This still counts as a form of rationalism because the necessity in question is physical; if the individual could weaken their grip on the inexorability of so acting then (like the phobic overcoming their fear) their action would be a form of liberation rather than an error of reasoning.²⁹³

5.5 CLOSING THE GAP

With the distinctions of §4.3 and §5.2ff. in place, we can now return to the question (of §2.5) of how to close the gap between the premises and conclusion of Mary's imagined deliberative inference. In what follows I will consider, in turn, the rationalist (§5.51), formal romantic (§5.52) and formal non-romantic (§5.53) approaches to that question. As a preliminary to that I will consider the roles of physical and rational incapacities in deliberation.

Physical incapacities can feature as either inputs into deliberation or else as conclusions from it, or both, as in the following inference:

I cannot lift that boulder

To go down that path, I would need to lift that boulder

I cannot go down that path

²⁹²Or, if they can step back, that questioning cannot determine how the individual will be moved to act; on which cf. §6.3ff below.

²⁹³ Though not necessarily a welcome liberation, of course.

Note that insofar as physical incapacities feature as inputs into deliberation, the fact that something is physically impossible to do trivially guarantees the validity of the inference to the conclusion that one must not do that, as in the following, stuttering, inference:

I cannot lift that boulder

I cannot lift that boulder²⁹⁴

Rational necessities generally appear as the consequences of deliberation, since our understanding of rational necessitation is as the relation between premises and conclusion in valid argument. Thus, when rational necessities enter as inputs (for example 'p v ¬p') they are only reminders of the structures which govern inference in general, and are not evidence which speak in favour of some action or other.^{295,296}

Crucially, any conclusion which is arrived at through an inferential procedure which is strictly logically valid is one which is *ipso facto* necessitated, for a valid inference is one in which it is impossible for the premises to be true and the conclusion false. A further corollary of this fact is that rational necessities inherently involve a degree of self-reflection in the activity of drawing the inference. Thus, consider the following two inferences:

(D)

Only if I build a house will I stay warm

I must stay warm

I build a house!

(E)

Only if I build a house will I stay warm

I must stay warm

I must build a house

If (D) is valid, then one may infer (E) from (D). The activity of moving from premises to conclusion is, for a competent agent, that of checking the truth of the premises and also the inevitability of the conclusion given the premises – and this procedure is necessarily self-reflective. Not only does a competent reasoner infer a conclusion after asserting the premises which entail it – they (furthermore) judge that the conclusion follows of necessity given the premises.²⁹⁷

²⁹⁴ On the idea of inferences of this form (p, \rightarrow p) as “stuttering” cf. McDowell, ‘Replies to Commentators’, *Philosophy and Phenomenological Research* (1998) vol. 58, pp. 405-6.

²⁹⁵ Assuming non-intuitionistic logic for the sake of simplicity.

²⁹⁶ That fact underwrites Kant’s sense that the morally necessary action does not differ from its rivals in virtue of being better supported by evidence.

²⁹⁷ I remain neutral on precisely how one wants to characterise the nature of logical consequence. For my purposes that is irrelevant, so long as one accepts the intuition that deductive validity involves some notion of necessitation which licenses this inference.

5.51 RATIONALISM

According to rationalism, the judgement ‘I must Φ ’ is, if not an expression of what I physically must do, then equivalent to the judgement (Rphi): ‘I ought to Φ all things considered’ conjoined with the implicitly endorsed general principle (NR): ‘I must do what (I judge that) I ought to do, *all things considered*’.²⁹⁸ (Rphi) is in turn analysed into the conjunction of two claims: ‘my reasons to Φ outweigh my reasons not to Φ ’ and ‘I have taken all relevant considerations into account’.

In Mary’s case, and supposing that she has most reason to stop and help, we therefore characterise her deliberation in the following terms: ‘the fact that this man is injured gives me a reason to help; this reason is more important than the fact that in helping I will miss the opera; I have taken everything into account everything that is relevant, therefore, (since I must do what I judge to be the best thing to do) I must stay and help.’²⁹⁹

Recall that to judge of an action that it is valid is to say that its conclusion is necessary given the truth of the premises. We can use this observation to explain how we may close the gap between the premises of Mary’s action (which do not mention practical modalities) and the conclusion (which does) (cf. §2.5). If her response is rationally required, then Mary, being self-reflective, will recognise that it is so required. Her judgement to the effect that this is what she must do is her acknowledgement of the decisiveness of the considerations that speak in favour of so acting, of the fact that there is no way for her (as a responsible thinker) to judge otherwise.³⁰⁰

Suppose, on the other hand, that Φ -ing is not rationally required of Mary, and that her judgement that so to act is necessary is to be understood as an autobiographical remark about how she finds herself physically compelled to respond (whatever reasons there may be for or against so doing). In this case, for Mary to say that she must help is for her to say that helping presents itself as psychologically compulsive. If that psychological compulsion is the product of a general mechanism which we call morality and which there are good overall reasons to inculcate, then this response is an example of indirect rationalism.

²⁹⁸ In what follows I will use ‘*atc*’ as shorthand for ‘all things considered’. The caveat ‘judge that’ turns this into an internalist requirement. Whether one wants to include it or not is something I am indifferent upon.

²⁹⁹ Of course rationalism isn’t committed to Mary actually thinking in these terms.

³⁰⁰ Hence the locution ‘I must, therefore, conclude that...’ This use of the language of compulsion is commonplace in Plato’s *Republic*. Cf. e.g. 500d5-8.

Indirect rationalists are in a weaker position with respect to Mary's self-reflective judgement that stopping to help is necessary. For, in the case where Φ -ing is not rationally required (as helping is not, for indirect rationalists), it can only be self-reflectively true to say that one must Φ if it is genuinely physically impossible to do otherwise. Since Mark *can* walk past, Mary's psychology must be significantly different to his if that really is to be true. As a psychological hypothesis, that seems unlikely. Thus, if Mary's utterly confident assertion that she must so act is based on such a hypothesis, then it seems that her confidence is misplaced. In this way, her statement that she must stop to help may become, under reflection, tenuous.

Whether or not this is a problem for an indirect rationalist depends on how sanguine they are about the prospect of debunking moral claims, and so weakening the hold that such claims have on individuals. When Nietzsche talks about his genealogical stories of the development of morality as "cooling down" moral beliefs, he means, I think, that inviting an individual to reflect in this way will have the consequence of weakening their psychological commitment to morality.³⁰¹ Therefore, the process of this kind of reflection is in fact self-validating; through reflection on the grounds of one's judgement that Φ -ing is necessary one weakens one's psychological commitment to so acting, and what was before necessary now becomes only merely one option amongst many (and one, furthermore, that may run contrary to reason).

In either case it is the individual's reflection on their interests and the circumstances which provides the only possible route to their judgement of the necessity of that particular course of action. In the following two sections I contrast the rationalist account of Mary's deliberation with its formal romantic and non-romantic alternatives, in terms of their answers to the question of how we are to explain how it might be that Mary's stopping to help is *necessary*.

5.52 FORMAL ROMANTICISM

For Kant, the apparent gap between the premises and conclusion of Mary's practical inference (cf. §2.5) is closed as follows: an individual, in deciding how to act, must consider whether their proposed course of action could be universalised.³⁰² Discovering that a proposed course of action cannot be universalised, one gains a new motivational state. On

³⁰¹ Nietzsche, *Human, All Too Human* §244.

³⁰² *GMM* 4:421ff. – with all the attendant problems on specifying the source of this 'must', i.e. the requirement that we act only on maxims that can be universalised.

the grounds that Φ -ing is contrary to the form of law in general, one judges (truly) that that therefore one cannot so act.³⁰³

As with rationalism, it is the self-reflective element of this picture which is crucial in ensuring that for Mary, to help is not only inevitable but also necessary. That self-reflection does not take the form of looking around for further grounds which tip the balance in favour of Φ -ing over its alternatives. Rather, it involves Mary stepping back from her prospective course of action, and seeing whether the maxim that embodies it is law-like; whether, that is, she could will that so acting be a universal law of nature. Unlike the rationalist procedure, the conclusion of this investigation is not a judgement of what one ought to do all things considered (or physically must do), but is rather a judgement of what must be done – for, when an action is required by duty *it is the only alternative available*. It is therefore not dependent on being expressive of, or necessary for, one's ends, but is rather an independent constraint on them.

For this reason, the necessity involved in moral response (and thus, the nature of the motivational state of the individual moved to do their duty) is, for Kant, different in kind from the necessitation involved in instrumental reasoning.³⁰⁴ (By instrumental reasoning I mean judgements of the form 'I must Ψ , because I have most reason to Φ , and I Φ iff I Ψ .) As I suggested in §4.31, for Kant it is the form, for TNs the content, of reason that requires us to act morally.

Nevertheless, as the table on p.93 shows, both Kantianism and rationalism share the presumption that practical necessity is grounded in reason, and that therefore Mark's mistake is to be characterised as an error of judgement. Therefore, to say that an individual must Φ is to say that so long as they are rational, then necessarily they will Φ if they act intentionally and are successful.

5.53 FORMAL NON-ROMANTICISM

By contrast to both of these approaches, an account which grounds the necessity of Mary's response in the presence of another is not committed to closing the gap between premises and conclusion in this way. While rationalists look around for some further features of Mary or her situation which may enter as implicit premises and which would show how helping is required, and while Kant undertakes an explication of the rational form of

³⁰³ Kant, *GMM* 4:424

³⁰⁴ I take it, this is why Kant is at such pains to describe the feeling of respect. There is something peculiar about moral necessitation that makes it different from the necessitation attendant on practical reasoning as means-ends based. Cf. e.g. *GMM* 4:401; *CPrR* 5:88ff.

Mary's prospective maxims in order to show that in reality she only has one coherent option available to her, those who ground necessity claims in the other disclaim the necessity or possibility of demonstrating that this gap can ever be closed, that such inferences can be rendered valid. Rather, *the fact that in these circumstances Φ -ing is what Mary must do shows us how the situation strikes Mary*.³⁰⁵ We understand what it means for Mary to judge that there is a cyclist (a fellow human being) in need, when we see how it follows from that judgement that she cannot help but help him.

On occasion, Williams comes close to saying the same thing. He says "In the case of moral incapacity, my deliberative conclusion not to do the act, reached on the basis of these totally decisive considerations, *just is* the conclusion that I cannot do it."³⁰⁶ To put it another way: "We understand the agent's moral incapacity just because we understand how 'I can't' could be the conclusion of his deliberation."³⁰⁷

He returns to this point in his discussion of the example of Sophocles' Ajax, who faces a choice between (as it seems to Ajax) death or dishonour. About this case, Williams says:

Being what he is, [Ajax] could not live as the man who had done these things; it would be merely impossible, in virtue of the relations between what he expects of the world and what the world expects of a man who expects that of it.³⁰⁸

However, it is clear that he thinks that the lessons we learn from such declarations of a certain course of action as necessary are about the peculiar psychological states of the individual in question. We learn, in other words, how their constitution determines what reasons have what strength for what courses of action for them. That will, in principle, fall under one of the two categories of the rationally or physically required. It is because such necessities teach us about parochial features of individuals only that we find Williams saying:

People do not *have* to think that they could not live in that situation; they do not *have* to think any such thing... But they may think it if their understanding of their lives and the significance their lives possessed for other people is such that what they did destroyed the only reason they had for going on.³⁰⁹

In this way, such practical necessities are sustained by the agent's realisation that failing so to act would destroy the sense that life had for them. That the meaningfulness of life is bound up with the success of this project is an empirical contention to do with the

³⁰⁵ Gaita, *GE* p.35 expresses the contrapositive ("most forms of moral corruption are corruptions of sensibility"). And cf. Winch, 'Who is My Neighbour?' p.166

³⁰⁶ 'Moral Incapacity' p.51; emphasis mine.

³⁰⁷ *Ibid.*, p.51

³⁰⁸ *SN* p.73

³⁰⁹ *SN* p.74

constitution of that individual's particular motivational set. To ground moral necessities in the psychological in this way is to say that the agent's projects are so constituted that to act otherwise could only involve their misunderstanding their own ends. In this way, Williams' position counts as an instance of material romanticism.

By contrast, to ground the necessity of helping in the presence of the other is to say that Mary does have to think that she must stop; not because to fail to stop is to fail to live up to one's responsibilities as a reasoner, but rather because it is to fail to understand *what it means* to suffer on the side of the road.³¹⁰ This is not to make reference to features such as Mary's understanding of her life and its significance for others (about whom she cares), as Williams suggests it must be.

The locution 'what it means to suffer' points the way towards an explanation of this necessity in terms which are neither general (as are specifications of further reasons for an individual to Φ), nor particular (as are descriptions of psychological states in their non-rational aspect). We can therefore give more of an explanation of Mary's assertion that Williams would in principle allow. Her sense of the significance of the suffering of other human beings, which is informed by her understanding of the value of human life, animates her judgement that she must stop. Since this is, for her, a moral matter, her behaviour is also animated by her sense of her vulnerability to remorse if she fails him – in other words, by her sense that she now (and only by virtue of passing him by) has a special responsibility towards his need.

However, although these explanations render Mary's behaviour intelligible (and show how this view is not an instance of the "insane thesis" of §2.4), they do not offer a reductive analysis of Mary's judgement that she must stop to help, for the considerations in which her behaviour is explained (particularly, the special vulnerabilities and responsibilities of individuals in moral contexts) are partially constitutive of our sense of moral necessity. Therefore we cannot represent Mary's helping as the outcome of a deliberative inference to the conclusion that she must so act. The gap between premises and conclusion that we highlighted at §2.5 cannot be closed. The only explanation of Mary's understanding of the circumstances in which stopping is necessary is one which makes appeal to what it means to suffer as the cyclist – but our explanation of that makes ineliminable reference to the necessity of stopping to help.³¹¹ In this way, no

³¹⁰ On the sense in which this constitutes a form of understanding, cf. Gaita, *GE* Afterword; *TPD* pp.95-103.

³¹¹ In this respect, the modality in question is similar to what Anscombe called 'stopping modals'. Anscombe, 'On the Source of the Authority of the State' pp.139-40.

characterisation is available of the circumstances which will show how a fully informed and reasonable agent will, on pain of irrationality, be moved to help. If an individual is moved to help, that is not because it would be irrational not to, but rather because it would be *immoral*; and (as I will try to show) no further explanation of this in terms of the rationally or physically compelling is available.

If this is right, then it demonstrates the impossibility of accounting for moral responses within the structures of rational deliberation, and hence within the class of TN. As I argue below (esp. ch.8), we cannot explain remorse as either a judgement to the effect that one has committed an error of reasoning, or as a psychological addendum to a judgement of this sort. Thus, it, and the appeal to the morally necessary with which it is interdependent, are *sui generis*.

With the variations within TN expounded at §5.2ff, it is hoped that these positions can accommodate (at least some of) the distinctive elements of moral experience that I elaborated in §3.3 above. As I have already suggested (§2.6), the three-pronged response to instances of moral experience which are putative counter-examples to such accounts mean that it is not straightforward to establish the inadequacy of TN; for any given attitude or aspect of moral experience which TN cannot accept, it is open to TN to reject as a prejudice, or to try to explain away. It was for that reason that it was important to demonstrate that the predominant ground for TN is unsteady; that it is possible to be a naturalist of a non-theoretical variety. Given, that, and given the existence of a form of naturalism (FNR) that can accommodate the distinctiveness of moral necessity, TN loses its rationale.

Therefore, in what follows I suggest that TN cannot take at face value the four features of moral experience, either from the point of view of the agent (ch. 6) or the recipient (ch. 7). I go on to show how FNR can take these features at face value. This gives us an argument by elimination for the superiority of FNR over its rivals. FNR respects our naturalistic intuitions while having the added virtue of simplicity.

Because Kant accepts that Mary's necessity is *sui generis* in the minimal sense of not being reducible to a judgement of what one what ought to do he is not open to some of the difficulties which can be raised against rationalism. Specifically, he does not have problems accounting for the inescapability, importance and absence of resentment of moral requirements, when considered from the point of view of the agent concerned with

the question of how to act. For that reason, I do not discuss Kantianism explicitly in the next chapter, focussing instead on material forms of romanticism. However, in ch.7-8I offer considerations which demonstrate that the sense of necessity that Mary appeals to cannot be accounted for in Kantian terms. Because Kantianism remains committed to understanding moral responses in terms of the dichotomy between the physically and rationally necessary, Kantians cannot explain either the fineness that is characteristic of morally good deeds, or our judgements about moral wrongdoing after the fact.

6 RATIONALISM & THE FIRST PERSON

Nobody can truthfully say of himself that he is filth. Because if I do say it, though it can be true in a sense, this is not a truth by which I myself can be penetrated: otherwise I should either have to go mad or change myself.
-Wittgenstein, *Culture and Value*

Both Humeanism and Neo-Aristotelianism are versions of TN as I described that family of positions in §4.31. Both may be called ‘teleological’ because they take the bindingness of obligations to consist in their being grounded in an individual’s purposes; in other words, norms bind an individual because obedience to that norm is either necessary for, or a necessary consequence of, the right functioning of the (or this) human organism. In this chapter I examine these accounts in turn and give a critical exposition of their ability to account for Mary’s response in the light of the features of morality defended in §3.3. I begin with an account of Mary’s stopping understood as an artificial virtue (§6.21). I argue that this account cannot account for the possible depth of Mary’s commitment. I then consider Mary’s response as a natural virtue (§6.22). Moving onto neo-Aristotelianism I consider and reject an account of Mary’s response in reductive terms (§6.31). I suggest that non-reductive neo-Aristotelianism is more promising as an account of Mary’s response. I draw together some of the common features of the best Humean and neo-Aristotelian accounts and argue that both are inadequate to the phenomena of moral necessitation from the point of view of the agent (§6.4).

6.1 THE HUMAN SUBJECT

For Hume and neo-Aristotelians, avoiding moral scepticism requires demonstrating that a reasonable individual will invariably respond as Mary did in circumstances such as those in which Mark and Mary found themselves. In this respect, the presence of Mark presents a sceptical challenge insofar as he appears to be no less than excellent than Mary, and yet feels no compulsion to stop and help. Sensing the intolerability of simply dismissing Mark, one looks for a theoretical explanation of his rights and responsibilities (or of his emotions or interests) which will demonstrate how any good individual will respond as Mary does.

In this way, the necessity of staying is explained by reference to a theoretical conception of the human subject; viz., one which is revealed in an investigation of Mary's ends and her psychological proclivities. Taken together, these will reveal the grounds upon which her claim to be unable to walk past is made true. Those grounds will either be the fact that it is rationally required for her to Φ because of the ends that she has by virtue of her nature, or else that although it is not rationally required, the presence in front of her of this particular suffering thing *causes* her to be unable to act otherwise.

In this chapter I am interested in the inadequacy of these accounts from the point of view of the morally good agent – in the next chapter I will discuss the same issue from the point of view in the recipient. There are four objections that can be raised against such accounts, mirroring the four features that I gave as characteristic marks of the moral (§3.3). I postpone discussion of the importance of moral considerations until ch.8 (where this is dealt with from both points of view). That leaves three objections to consider in this chapter, relating to our *confidence* in moral judgements, their *inescapability*, and the intelligibility of *resenting* them. Before these can be discussed it is necessary first to explain the most plausible Humean and neo-Aristotelian accounts of Mary's behaviour. I argue that the most plausible Humean account Mary's response will see it as the expression of a natural virtue (§6.22). I then consider various difficulties with reductive Aristotelianism's attempt to justify Mary's response, and argue that Hursthouse's non-reductive Aristotelianism provides the most plausible Aristotelian form of TN (§6.32).

6.2 HUME

Hume divides morality into a natural and an artificial part. The distinguishing feature of the artificial by contrast to natural virtues is that the existence of the former and not the latter is amenable to further explanation in terms of their serving some purpose of ours. In this way, Hume's account sees morality as being a mixture of elements only some of which are open to reductive explanation.

The common denominator between both of these explanations is that the truth of judgements to the effect that a certain course of action is necessary is grounded in some fact about the agent to whom the necessity claim applies.³¹² Even in the case of the artificial virtues, a given individual's answerability to its norms is dependent on them being disposed to find that course of action reasonable. Hume is at pains to show that he not a moral sceptic – but he takes a refutation of scepticism to require a demonstration

³¹² A view that Williams calls 'formal individualism'; in my terminology, romanticism. Cf. Williams, *MSH* pp.123-135.

that our moral concepts are grounded in an appropriate psychological mechanism. The sceptic can be refuted if it can be shown that there really are universal faculties of the human psyche which agree in their judgements about moral matters.

Three features of that view are important for our purposes. Firstly, it grounds moral distinctions in some feature of the agent. Secondly, that feature (an underlying psychological mechanism of sentiment or interest) is part of the way in which an individual forms and acts on ends. Thirdly, there is a theoretical description of this mechanism – it is a systematic and law-like faculty which generates norms in novel circumstances in a predictable way.³¹³

For Hume, morality in its natural part is the expression of certain inclinations (or ‘passions’) which human beings (contingently) possess by virtue of their constitution. In this respect morality’s requirements are part of the complex whirl of bodily states that together constitute our ends. Examples of these include charity, benevolence, kindness &c. Alongside this natural element of morality are the ‘artificial virtues’. These arise out of certain needs (for security and coordination with others) that we have because of our precarious environmental circumstances. The artificial virtues include justice, fidelity to promises, respect for property &c.

The truth of the claim that human beings need benevolence and kindness from others, and need to act benevolently and kindly towards others in turn, is of the same order as the claim that human beings enjoy listening to tonal music; both are to be established by observation, and our confidence in the truth of a judgement that *all* human beings are so constituted should track the relative sample size on which the judgement is based. By contrast, the truth of the claim that human beings need justice is secured by reference to the social utility of justice and the lack of available of a more effective means of gaining the benefits that it brings. Our confidence in the judgement that some given individual must act in accordance with the artificial virtues is based on our confidence in this social hypothesis.

In either case, Mary’s judgement that she must Φ is justified iff it is either a necessary means to her ends or else a constituent of those ends. In the following section I consider and reject an account of Mary’s response in terms of the artificial virtues. I then consider what would follow from seeing Mary’s necessity as the expression of a natural virtue.

³¹³ It is in this sense that Hume’s conception of morality is teleological, even though he doesn’t equate morality with health, as in the teleological tradition inherited from Aristotle.

6.21 ARTIFICIAL VIRTUES

One may view the operative virtue in Mary's case as artificial – say, that of the requirements of justice. In this case, Mary's justification of her Φ -ing will not proceed via the connection of her disposition to Φ to further elements of her natural constitution, but rather via a justification in terms of the social utility of norms of helping of this sort. The appeal to 'the human' in this context indicates that one has duties to him *qua* his membership of the class 'human being', because it is generally useful for us to be disposed to respond to other human beings in this way.

In this way, the virtues of fidelity to promises and respect for property arise out of our need for coordination with others over extended periods of time, and from the scarcity of resources and the need for security of the fruits of one's labour against theft.³¹⁴ Accordingly, our confidence in the claim that justice is a virtue for human beings is in the first instance based on sociological, not psychological observation; the claim that being just is a good thing for people to be is based on the contention that justice is a necessary tool for human progress. Our confidence in that contention is not different in kind from (though it may be less secure than) our belief that electricity is – despite all its attendant inconveniences – a necessary human good.

Although the artificial virtues gain their *raison d'être* from their functional role in helping us achieve our goals, they work only because they impose demands on individuals which are absolute, in the following sense: if I have promised to Φ , then I must Φ whether or not it is in my self-interest to do so.³¹⁵ In that way, the artificial virtues are tools which allow us to coordinate our behaviour in ways which are mutually beneficial, even though in so doing one runs the risk that in any given circumstance, the fulfilment of one's obligations may be contrary to one's own ends.

Part of the effectiveness of the artificial virtues depends on our valuing their performance for their own sakes, and not for their instrumental benefits.³¹⁶ In that way, the fact that they are socially useful is no part of an individual's motivation in adhering to virtue's requirements – rather, they are moved to act by the "peculiar sentiment" of approbation which (if they have been raised well) they invariably attach to such actions.³¹⁷

³¹⁴ Hume, *Treatise* pp.484ff.

³¹⁵ *Ibid.* pp.516ff. Kant relies on this conception of promising in his famous 'contradiction in conception' test at *GMM* 4:403.

³¹⁶ *Treatise* pp.523ff.

³¹⁷ *Ibid.* pp.523ff.

Applying that to Mary's case means seeing her decision to stop as a manifestation of her commitment to the virtue of justice. In that case, her Φ -ing is justified by an expectation of reciprocity (that others would Φ in relevantly similar circumstances) even though that expectation is not what moves her to help. This expectation is reasonable because the satisfaction of our ends is dependent on this kind of mutual cooperation which nature alone cannot be counted on to provide.³¹⁸ However, although Mary does not stop to help on grounds of the social utility of so acting, nevertheless her commitment to the virtue of justice is modulated by her sense of its social utility. Should the virtue (or some part of it) cease being useful, then the virtue ought to be abandoned. (Thus, Hume rails against the "monkish virtues" on the grounds that they serve no positive personal or social function.³¹⁹)

If Mary is sensitive to this possibility, then she must be open to the challenge that in stopping to help she is displaying her commitment to a misplaced virtue, to some or other form of monkishness. (Mark might suggest that she is just a 'bleeding heart liberal', oversensitive to the misfortunes of others.³²⁰) Although Hume may have intended that question to apply in the first instance to questions of the structure of civil society in general, an individual *in medias res* is also capable of taking this kind of detached view on their virtues. Because one can take a long view on our circumstances, one may recognise that in certain conditions, a given artificial virtue no longer applies:

[Suppose] that it should be a virtuous man's fate to fall into the society of ruffians, remote from the protection of laws and government; what conduct must he embrace in that melancholy situation? He sees such a desperate rapaciousness prevail... He, meanwhile, can have no other expedient than to arm himself... *And his particular regard to justice being no longer of use to his own safety or that of others, he must consult the dictates of self-preservation alone, without concern for those who no longer merit his care and attention.*"³²¹

³¹⁸ Since the expectation of reciprocity is a necessary element of the justification of the artificial virtues, Mary's commitment to Φ -ing entails that she cannot be sanguine about Mark's indifference to the cyclist. His apathy is, from the points of view of society in general and Mary in particular, an indulgence; it can only survive because it is the exception rather than the rule. And it is unreasonable for an individual to expect that they be the exception to the rule, for if wanting to be the exception were good reason to be an exception then the obligations on which civil society depends would collapse. To see helping as the manifestation of an artificial virtue is therefore for Mary to commit herself to a disagreement with Mark.

³¹⁹ EPM §9

³²⁰ And compare the responses that the character Elizabeth Costello receives to her reaction to the suffering of animals; *Lives of Animals* pp.43ff. and §7.5 below. For an effective discussion of this cf. Mulhall *The Wounded Animal* passim.

³²¹ EPM §3 pt.1; emphasis mine. Hume goes on to repeat that, just as baldly: "By rendering justice totally USELESS, you thereby totally destroy its essence, and suspend its obligation upon mankind" *ibid.* p14 (emphasis original).

In both of these respects, Mary's confidence in the appropriateness of her response ought to track her considered judgement that the manifestation of the virtue in this circumstance is necessary for overall social utility. Furthermore, although Mary acts virtuously because she approves of virtue, at the same time she remains willing to abandon that commitment insofar as it may be proved to have ceased to be socially useful in either of these senses.

Hume doesn't give us any description of the attitude of the individual who views justice in this way, beyond the implication that he or she views others (when dealing with strangers) as deserving care and attention only insofar as they are behaving (or are in a context where in general people behave) in a socially appropriate manner. He also implies that it would be foolish to extend one's concern for others, i.e. not to defend oneself as best one can, in circumstances of social dissolution.³²²

If the individual's decision to seize whatever weapons are available is accompanied by a sense of *relief* in the abandonment of the constraints of virtue, then that individual might equally well chafe against the requirements of justice in times of social stability. One might, on this view, be perfectly just, honest &c. even though one so acted only reluctantly, and even though in fact one yearns for conflict and to be freed from the yoke of the artificial virtues.³²³ In that Mary recognises that the artificial virtues are necessary for social stability (which is something she wants), she recognises that it is reasonable for her to enjoy keeping her promises and being charitable, as she does. However, she might for all that yearn to live in a social context in which charity and honesty were not useful, so that she could leave behind her commitment to (and enjoyment of) these virtues. On this view of the virtues there is nothing wrong with seeing the virtues as an indulgence in which one participates because of a weakness in one's constitution (like a sweet tooth), and to wish that one was constituted differently such that one no longer relied on the virtues in this way.

If one takes that view of the virtues, then certain attitudes become possible to them, which I suggested were inconsistent with the view of morality espoused in §3.3. If the virtues are the expression of an indulgence then they may well be resented, even by those who accept that they both profit from them and enjoy their performance. In this way, those whose

³²²He is therefore committed to both of the following entailments: *when it is generally socially useful to be virtuous, it is unreasonable not to be virtuous*, and *when virtue is generally socially useless, it is unreasonable to be virtuous*.

³²³ On this reading of Hume, it is only a few small steps to a Nietzschean (or Freudian) account of morality as an unhealthy system of repression of our natural instincts.

adherence to virtue is exceptional no longer become objects of reflection, individuals from whom one can learn anything deep about life.

I suggested in §3.34 that if Mary's commitment to virtue is absolute, then not only can she not consider acting otherwise, she cannot view acting as she does as a limitation of her frame against which she chafes. That means not only refusing to abandon her commitment to virtue in conditions of social upheaval (where, after all, the concepts of justice and injustice still appear intelligibly to apply), but also not viewing an opportunity to escape from moral judgement as a *relief*.³²⁴

Thus, (unless he is going to deny this element of moral experience) Hume needs to give a characterisation of Mary's commitment to virtue on which self-defence in the 'tragical circumstances' that he describes are viewed by her as (at best) a necessary evil. However, if we are focusing only on the artificial virtues then there is no sense which Hume can attach to the concept of 'evil' in such conditions. Since the context has diverged from that in which the concepts of justice &c. have their sense, the only normative standards that remain are those of self-interest, i.e. those grounded in the individual's peculiar ends. In that context, if Mary finds that she *cannot* defend herself, then that must either be because she is personally committed to an ideal of non-violence, or else that she is simply too weak to do what is sensible.

On either explanation of Mary's inability, she cannot correctly judge that she must not kill on the grounds that it is *morally wrong* to do so (say, that it is unjust). The attitude 'do justice though the heavens fall' expresses the thought that we may see the norms of justice as applying irrespective of its social utility. (Analogous considerations apply for e.g. the virtue of promise keeping.) On this view, no matter what state of dissolution the social contract undergoes, an individual may still intelligibly see themselves as answerable to the norms of justice.

For Hume, the attitude that we ought to do justice even if the heavens fall is simply mistaken. But we may suppose that Mary's attitude is resistant to changes in circumstances in this way. In this case, if a Humean is to account for the attitude that Mary takes towards helping then either it must be read as a manifestation of a natural virtue, or else it must be viewed as merely illusory – a false (even if understandable) attitude towards justice. If we can avoid interpreting such attitudes as mistakes (as we can), then we should. Therefore, in the next section I will examine the feasibility of understanding Mary's response as the expression of a natural virtue.

³²⁴ Cf. Weil's discussion of justice in 'The Iliad'.

6.22 NATURAL VIRTUES

To call Mary's response an expression of a natural virtue is to say that it is made necessary by some psychological property of hers (either reason-giving or not, depending on whether the mechanism that ensures compliance is direct or indirect), which has its source in the natural constitution of the human being.

The appeal to the fact that the other is *a human being* explains the response by referring to the natural inevitability, when confronted by the human form, of responding in this way. Mary may justify this inevitability if she claims that every human being (who has a decent personality and is well-raised) will find themselves similarly compelled.

Through reflection Mary may be able to justify her being moved in this way, to show that it is not mere weakness or a psychological aberration. In the case of the natural virtues such as benevolence, that may mean demonstrating the recalcitrance of this end, by showing how our instinct to help others in such circumstances (to feel sympathy for the pains &c.) is interconnected with other natural instincts whose value we cannot doubt and which we cannot resent. For example, one might demonstrate that Mary's response to the cyclist comes from her compassionate disposition, which in turn makes her a good listener when Mark needs someone to talk to, and makes her capable of being interested in opera, and so on. Although in the end the demand for rational justification of these sentiments may come to an end (with the assertion that 'this is simply what human beings do'), nevertheless Mary does not need to rest content with simply acknowledging a difference between herself and Mark. She can also contend that in being capable of walking past Mark is *ipso facto* deficient. Furthermore, if she can show how this connects to other virtues (that Mark and others will recognise as such and will celebrate) then she can expect agreement on this matter.

Alternatively, one might justify the reasonability of this degree of benevolence simply by reflecting on its products, on what it is like to be someone like Mary, of what it is like to be a recipient of this kind of attention, and so on. This sort of reflection is not merely a matter of seeing what follows from it – what consequences we may expect from widespread benevolence for example. Of course it involves that, but beyond that it is a matter of determining whether such consequences are of a sort that one would relish them. And that means that this kind of justification depends on the person doing the reflection having well-cultivated tastes as well as the ability to reason. There is therefore no independent

justification for natural virtues, i.e. a justification which must convince any rational agent whatever their inclinations.³²⁵

These reflections will reveal how the development of virtue in human beings is non-accidentally connected with the enjoyment of further goods in which we have an interest. Thus, benevolence has come to have the value that it does in part because it is only through being kind and generous to others that we can enjoy those common goods whose value we take for granted. The connection between the natural virtues and our ability to participate in those relationships which constitute the foundations of our enjoyment of life (for most if not all of us) gives us a kind of partial justification of the natural virtues. It also provides us with a constraint on the degree to which we can desire for the natural virtues to be extended or transformed from their current position within our lives. As Wiggins says:

The point is not the impossibility of suspending [our primitive reactions to others], but the psychic and visceral cost -- and the affiliated moral unreasonableness -- of doing so. (This is a strictly neo-Humean variant of a Kantian contention...)³²⁶

What is crucial here is the appeal to a standard of 'cost' and 'reasonableness' which is independent of our commitment to the virtues in their particular form and which can justify their being adhered to in their current form. However, Wiggins no doubt accepts that such justifications will not be successful 'all the way down', that the virtues themselves cannot be justified in this way. After all, a Nietzschean would simply deny the conception of cost that underlies this argument. For this reason, Wiggins would appeal, I think, to the fact that considerations like this are not supposed to justify the structure of the natural virtues to someone who works from a position radically outside of our shared system of values. Rather, it is only supposed to answer someone whose conceptions of 'cost' and 'reasonableness' is informed by our current sense of the virtues, of what kinds of changes are tolerable and what not.³²⁷

Feelings of charity and benevolence weaken the further one gets from the familiar.³²⁸ Since it is an inescapable part of the human condition that our ability to care for the needs of

³²⁵Thus, whether Mark is unjustified in walking past depends on whether Mary's degree of compassion is such that it will be shared by all well-raised individuals. Settling that without begging the question depends on the possibility of finding standards for expertise in moral judgement which does not make agreeing with Mary's response a criterion of counting as an expert. Whether such standards ought to be expected is an open question.

³²⁶ Wiggins, D. *Ethics: Twelve Lectures*, p.244

³²⁷ I will return to this point at §6.32 below, where I compare it with a similar remark of Hursthouse's.

³²⁸Proust gives a humorous description of an inversion of this; *In Search of Times Lost*, Vol.1 pp.132-3.

others etiolates the further removed one's life is from the other to whom one is responding, the structures of what can reasonably be required (and what not) must be sensitive to that fact.

In that respect the question of where to draw the boundaries of moral concern is in part a practical one, to do with how far we (physically) can bring ourselves to include others within the purview of our moral concern.³²⁹ The role of argument in morality (including the rhetorical presentation of examples of virtue) is to try to bring about in people a change in their sympathies, and moral progress involves a 'progress of sentiments' – the expansion of sympathy from those closest to us towards those furthest away, which reaches its limit (if not before, then) in a generalised benevolence towards all creatures in the universe.³³⁰

In that way, Mary can hold onto the attitude that she would help however badly society deteriorated, and that to do so would always have value – but only if she sees helping as the expression of a natural virtue. If the kindness which moves her to help is deeply connected with her sense of self, and if it would be overly psychologically difficult to make herself disposed to act otherwise, then she need not resent the fact that she is disposed to help.

Furthermore, in explaining the necessity in terms of the way that the presence of the other makes her feel, Mary can show how her confidence in the recalcitrance of this particular response is consistent with seeing our duties to others etiolating at a distance. She wants to be the kind of person who would stop to help others even if it meant undertaking great risks to herself, but she does not want to view herself as deficient because she cannot feel so strongly about the sufferings of those at a great distance from herself. Wiggins suggests that attentiveness to the psychological depth of our natural responses to others reveals how these divergences in her attitudes are normal and inescapable, and, as such, are reasonable.

The advantage of seeing Mary's response as the expression of a natural virtue is that it avoids the problems associated with seeing it as action in conformity with an artificial virtue. Mary will not resent so acting if it is expressive of what is most important for her.

³²⁹It will be a further question how one understands the nature and constitution of the "we" here, and accordingly how far that picture imposes normative standards on the judgements of individuals whose drawing of the boundaries is socially unorthodox.

³³⁰ For a proponent of the feasibility of a feeling of benevolence at that level of abstraction, cf. Hutcheson, *Inquiry into the Original of our Ideas of Beauty and Virtue*; Singer, *Practical Ethics*. Rorty demurs (cf. *Contingency, Irony, Solidarity*), because for him moral concern is a necessarily exclusionary gesture, which a generalised interest in every sentient thing lacks.

Furthermore, she does not need to stake her sense of the appropriateness of this response to the stability of social conditions, or think that an explanation (and justification) of her commitment to the necessity in social terms will be forthcoming. She can say, rather, that in so acting she is simply expressing her sense of what should take priority over what – and, she may add, any reasonable person would agree.

However, I will argue that even when so understood, a Humean account of Mary's response is inadequate to our sense of the necessity of so responding. Since those criticisms apply equally to Aristotelian forms of TN, I will now discuss Aristotelianism, and will criticise both in §6.4ff.

6.3 ARISTOTLE

In what follows I will give a critical exegesis of various neo-Aristotelian attempts to account for the necessity involved in Mary's declaration. I focus on neo-Aristotelianism, rather than Aristotle's official position because there are a number of features of the situation as I have characterised it which make it alien to Aristotle's own account of ethics. Notably, Aristotle does not have a concept of an imperative ('I (or you) must Φ ') which applies in moral contexts.³³¹ Furthermore, Aristotle's conception of nature is radically different from that on which there is a special problem of accounting for normativity within a naturalistic world-view.³³² Herein I am interested in those modern writers working in an Aristotelian tradition who want to take seriously the conception of moral necessity that I have suggested characterises certain of our moral responses. For this reason, I will focus on those writers who take their starting point from Anscombe (in particular Foot and Hursthouse), rather than on Aristotle himself.

Aristotelianism is committed to there an explanation, in terms of virtue theory together with a characterisation of Mary's circumstances, of the conditions which make true Mary's contention that 'there is nothing else to be done'.³³³ This conception of the human connects the value of the response to the flourishing of the agent who so acts. It is in that respect self-centred, though not selfish. The value of good deeds is given by their standing in an appropriate relation to the flourishing of the agent of who performs them.

³³¹ He discusses imperatives only in the context in which a personal, endowed with suitable authority, can command another person.

³³² A point that is commonly made – cf. e.g., McDowell 'Two Sorts of Naturalism'; 'Eudaimonism and Realism in Aristotle's Ethics'; Williams 'Evolution, Ethics and the Representation Problem' in *MSH* p.109.

³³³ Understanding this construction as equivalent to 'I must Φ '.

For neo-Aristotelians, Mary's claim that she must help will, if she has been raised appropriately, be a statement both about what she physically must do and about what reason requires of her. All human beings, by virtue of their species membership, have certain character traits the perfection of which is the final end towards which we are all directed. The virtues are (either instrumentally or constitutively) necessary for the development of these excellences, and a virtuous individual will be incapable of walking past when they could help.³³⁴

According to reductive forms of neo-Aristotelianism, the virtues are necessary as means to the end point of flourishing, where that end point is defined as the realisation of a state of being which is characterisable independently of reference to the virtues which take one there.³³⁵ Non-reductive Aristotelianism, by contrast, is the view that the virtues provide a component part of the end towards which all human beings are by their natures impelled; in other words, that virtue is a necessary (but not sufficient) condition for counting as a flourishing human being.³³⁶ In what follows I will consider reductive and non-reductive Aristotelianism in turn, and argue that non-reductive Aristotelianism has the best chance of accommodating the distinctive phenomenon of moral necessitation.

6.31 REDUCTIVE ARISTOTELIANISM

A reductive Aristotelian characterisation of Mary's case explains her responding as she does as an inevitable corollary of her having inculcated virtuous dispositions. These dispositions, in turn, are justified in terms of their usefulness in securing the goods which are necessary for Mary to give herself the best chance of biological flourishing. Virtues such as charity and benevolence are worthy habits to develop on the grounds that (e.g.) charitable and benevolent individuals tend to live longer, perform better on psychological measures for happiness, &c.

Accounts of this kind run into difficulty in cases in which an individual's commitment to justice will incur serious natural harms or even death – e.g. were a person will tortured on the rack unless they give up information which will lead to unjust punishment for their

³³⁴ Although Aristotle himself might not have taken Mark's behaviour as vicious. That turns on how Aristotle conceives of the *phronimos*' dispositions. His culturally informed idiosyncracies in this respect are notorious; cf. *Politics* BkI.

³³⁵ For examples of reductive Aristotelianism cf. Anscombe, 'Practical Inference', &c.; Foot, *Natural Goodness*; von Wright, *Varieties of Goodness*.

³³⁶ Non-reductive Aristotelians include Hursthouse, *VE*; McDowell, 'Virtue and Reason' &c.; Nussbaum, *The Fragility of Goodness*.

friends.³³⁷ It is a characteristic mark of the supremely virtuous individual that they act in accordance with virtue's requirements even in circumstances such as these. But if the value of the virtues is located in their ability to serve our needs, then the question arises why we should be committed to them when to do so will lead to more natural harms than goods. In the absence of a satisfactory answer to this question it seems that a commitment to virtue in these circumstances is irrational; one pursues virtue in order to secure natural goods and yet in these circumstances one knows that pursuit of virtue will not lead to the securing of those goods.

Philippa Foot, in her early work, committed herself to the project of demonstrating the profitability, and thus rationality, of virtue against such putative counter-examples.³³⁸ Our ability to flourish is tied up with having fulsome relations with others based on mutual respect and trust, and the only way to secure this is to be just and to be known as such. For this reason: "the supposition that injustice is more profitable than justice is very dubious, although like cowardice and intemperance it might turn out incidentally to be profitable."³³⁹

If we did not depend on cooperation from other human beings for the success of our own projects, or we could manipulate people as we do material objects or even other animals, then there would be no reason to be committed to virtue rather than vice. However, we are not effective at manipulating people in these ways. Because human beings cannot be 'beaten into reliable submission', the only way that we can predict and control their behaviour is if we gain their trust.³⁴⁰ The only way to secure that is through being virtuous. Since effective control of human beings is necessary for enjoying (almost) all of the natural goods which humans – who are by nature social animals – enjoy, it follows that, *in general terms*, we have reason to follow the path of virtue rather than that of vice.

We can summarise Foot's argument as follows:

(P₁) In order to secure the goods that I need to flourish, I need cooperation from other people

(P₂) Only if I am virtuous will others cooperate with me

(P₃) Therefore, if I have a (decisive) reason to secure my own flourishing, I have a (decisive) reason to be virtuous

³³⁷ Cf. Aristotle's comments on Priam, who is "happy" (*eudaimon*) but not "blessed" (*makarios*); *EN* 1.10.1101a6-8. For an interesting and sensitive discussion of this distinction cf. Nussbaum, *The Fragility of Goodness* ch.11.

³³⁸ Foot, 'Moral Beliefs' in *VV*.

³³⁹ *Ibid.*, p.129

³⁴⁰ *Ibid.*, p.129

(P₄) I have a (decisive) reason to secure my own flourishing

(C₁) I have a (decisive) reason to be virtuous

Considering cases where being virtuous will lead to one's suffering serious natural harms, Foot argues as follows:

(P₅) If one is virtuous then one is committed to avoiding vicious deeds whatever the personal cost³⁴¹

and, from this together with (1)-(4), concludes:

(C₂) Whatever the circumstances a reasonable individual will choose virtue over vice

However, in order for Foot to show that an individual on the rack has a *reason* to be just, we must read the sense of "commitment" in premise (5) as 'rationally committed' and take it to follow from (P₁) – (P₄). But, as DZ Phillips insisted, to the individual facing death on the rack, this argument is surely nonsense.³⁴² They are in circumstances where being virtuous will not lead to them securing the goods that they need to flourish (on any reductive specification of flourishing; for a non-reductive conception of flourishing cf. §6.32 below). Even if it is true that in these circumstances vice as much as virtue will ruin their chances of flourishing (which need not be true, if they have the chance to cooperate with their jailors), then the sensible conclusion in this circumstance is surely that 'all bets are off'; there is neither reason to be virtuous nor to be vicious.

Foot's response to this challenge is as follows:

It is perfectly true that if a man is just it follows that he will be prepared, in the event of very evil circumstances, even to face death rather than to act unjustly—for instance, in getting an innocent man convicted of a crime of which he has been accused. For him it turns out that his justice brings disaster on him, and yet like anyone else he had good reason to be a just and not an unjust man. He could not have it both ways and while possessing the virtue of justice hold himself ready to be unjust should any great advantage accrue. *The man who has the virtue of justice is not ready to do certain things, and if he is too easily tempted we shall say that he was ready after all.*³⁴³

Since there cannot be prudential considerations that speak in favour of facing death, there are two ways to understand Foot's response here. The first is to understand her as claiming that there is no reason why one must be virtuous because there is no choice to be

³⁴¹ In reconstructing her argument I have switched from talking of the pursuit of virtue to the avoidance of vice, at this point because avoiding vice is much less demanding than pursuing virtue. The claim 'one must do virtuous deeds whatever the personal cost' seems overly demanding, and is not something that Foot needs to be committed to.

³⁴² In his paper 'In Search of the Moral 'Must': Mrs Foot's Fugitive Thought' Reprinted in his *Interventions in Ethics*.

³⁴³ *Ibid.*, pp.129-30; emphasis mine.

made here. That would be to insist that in this circumstance there is really only one action open to the agent to perform. Once they recognise that this is what virtue requires, no further question of what to do can arise, and no question can be raised over why it is necessary to do what justice requires.

The other alternative is to think that there is a reason here, which is that one has chosen the life of justice and given that prior choice there is only one outcome available to you. In this case, the argument to (C) is relevant because it reminds you that you made a choice on the basis of which you are now committed to this course of action. This involves us picturing ourselves as choosing to commit ourselves to a structure of behaviour under which the requirements of justice are absolutely binding, and doing so on the grounds that this is prudent. As Phillips picturesquely puts it, this is the view that for “a man setting out on the journey of life... it is more likely that justice will benefit him on the journey than injustice”.³⁴⁴

That is to say to the person facing death on the rack that they must go through with it because they agreed to abide by the consequences when at the start they staked themselves to virtue rather than vice. On this view, while prudential considerations might give us a reason to commit ourselves to justice over injustice before life begins, if during life the question can intelligibly be raised of whether to remain just or not, then such considerations will be neither here nor there.³⁴⁵

However, Phillips urges, it is unclear how we are to understand reference to ‘the start’ here, such that it would provide a decisive consideration for the individual facing a choice between death and vice. Even supposing I made a prior commitment to virtue, that only binds on me now insofar as I am unable to change my mind. In the case of a game of roulette, if I place my stake on red 10, then when *les jeux sont faits* I cannot change my mind and yet still hope to win – for in moving my stake after the wheel has been set in motion it would become forfeit. If the ball lands on a black number, then whatever I do, it remains the case that I have lost the game. But, in morality, by contrast to games, one may (as it were) ‘switch sides’ at any point without incurring any penalty analogous to the loss of one’s stake in the roulette match.³⁴⁶ Therefore, while it would be irrational to try to

³⁴⁴ ‘In Search of the Moral ‘Must’ p.114

³⁴⁵ This is obviously similar to what Hume says about the artificial virtues; cf. §6.22. Phillips’ criticism should be compared to Cavell’s criticism of Rawls, which I discuss at §7.5 below.

³⁴⁶ As Plato insists, the penalty is only that one “comes to resemble” the pattern of wrongdoing; cf. *Theaetetus* 176e. The inadequacy of this as an explanation is telling, I think. (And cf. Gaita, *GE* p.235 for a similar point.)

switch sides in the middle of a game (when not allowed by the rules), no corresponding irrationality in the case of moral commitment has been demonstrated.³⁴⁷

In this way, any reductive naturalism that takes seriously conflicts between prudence and moral norms needs to become indirect, i.e. to appeal to the mechanism of psychological compulsion beyond the reasonable, in order to secure compliance.³⁴⁸ Thus, Foot must return to the first of the alternatives canvassed above and insist that there is, in fact, no choice open to the agent in such circumstances. It is not a matter of explaining to an agent that they are, by virtue of some end that they have or some choice that they have made, *rationally* required to act in this way. Rather, it is a matter of showing that individual that there is simply no practical question to be settled at this point. Even if they ask what should be done, what they will do is already settled – it has been stamped on their personality. Our commitment to virtue depends on us being raised such that either it doesn't occur to us to challenge virtue's justifiability in difficult circumstances, or that whether or not we do so, we have been so firmly stamped with the marks of the virtuous that we are simply compelled (against our better judgement) to be virtuous anyway, whatever reason might say.

This stakes our confidence in the necessity of virtue to a psychological hypothesis about how an individual will bear up in such circumstances. However, even if we assume that the virtuous person will inevitably choose death over injustice, Foot is committed to the intelligibility of them doing so with resignation and some bitterness. We can see this if we imagine a person on the rack asking whether it was best for them to have chosen the path of virtue for their life. We would have to tell them that, as it turns out, they shouldn't have been virtuous (although they weren't to know that beforehand). Their attitude to that will be one having taken a necessary gamble that didn't pay off – disappointment in the outcome which is only mollified and not silenced by the thought that the choice was epistemically responsible. That disappointment may of course be combined with justified resentment at the person who orders the torture. But it remains intelligible to resent both that things have turned out this way, and that one went for a life of virtue rather than vice.

³⁴⁷ Again this shows the difference between morality and law in terms of their differing degrees of dependence on a system of enforced punishment and a background of general compliance for their existence. Condition II (§4.12) acknowledges that a certain degree of general compliance is necessary for the existence of moral concepts – but crucially, less than is required in the case of law. A full discussion of this would however take us too far afield.

³⁴⁸ This is to appeal to our earlier distinction between direct and indirect forms of naturalism. (§5.3-4) Here, as earlier (cf. footnote 280), 'beyond the reasonable' is ambiguous between 'there is no reason to Φ ' and ' Φ -ing is necessary but unreasonable'.

Therefore, it is crucial to this view both that we are concerned to give ourselves the best chance of flourishing (which is objectively specified in terms of an ideal agent) and that we operate from a position of epistemic uncertainty – we cannot know beforehand how our choice of character will make life turn out for us. Furthermore, since one's character is generally speaking not something that one controls, the justification that Foot offers is intended to apply more to the choices faced by parents and educators than those of individuals themselves. Thus, the argument to the conclusion (C) is not intended to appeal to an individual *in medias res*, but rather to the question of how we should raise our children – whether they should be schooled in virtuous dispositions or not.³⁴⁹Foot's justification for the inculcation of virtue is that it is only if children are made virtuous that they will be able fully to enjoy the natural goods for which their biological nature equips them.

But even granted that, this argument remains unsatisfactory, because it cannot explain why we should inculcate virtues which apply even in extreme circumstances, such as when an individual is faced with mistreatment on the rack. Since these circumstances are so uncommon, it would seem entirely reasonable to teach our children that in such situations virtues such as fidelity, honesty &c. no longer apply. That would allow us to maintain the useful features of the virtuous dispositions while freeing agents from an heroic degree of continence in circumstances where to be virtuous benefits no one – or very few people – and causes great harm.³⁵⁰

One might worry that the specification of when a situation is extraordinary is vague, and if left to the individual, is prone to misuse. But this is not an objection that an Aristotelian can make, if they are wedded to the idea that determining correctly what virtue requires in a situation is an activity of judgement (*phronesis*), which itself is an art that cannot be formalised.³⁵¹ So long as the individual has the appropriate training they should be able to distinguish, at least for the most part, between genuine exceptions and cases which only appear exceptional because one chafes against virtue's demands.

In order to avoid this conclusion, Foot would have to argue that the virtues are such that they can fulfil their useful social function only by binding on us absolutely, i.e. by making considerations of self-interest irrelevant when they conflict with virtue. (Cf. §5.4) To an extent that is correct – just as it is definitive of the concept of promising that one keeps a

³⁴⁹ In this way, Foot's argument becomes a species of indirect justification for the virtues, which does not depend on relating their constraints directly to the ends of the individual in question.

³⁵⁰ As we saw in §6.21, this is Hume's approach to the artificial virtues.

³⁵¹ A central plank of Aristotle's own view; *NE* Bk.6, and frequently endorsed by virtue theorists; cf. McDowell, 'Virtue and Reason', Hursthouse, *VE* ch.1, &c.

promise even when to do so is contrary to one's self-interest, it is definitive of justice that one obeys its requirements even when doing so doesn't serve one's purposes. (And cf. §7.5) However, that sense of the absoluteness of virtue's requirements is still consistent with refusing to see them as applicable in extreme circumstances. Just as one may have a concept of promising where one is no longer bound a promise if to keep it would involve disproportionate and unforeseen costs, so too one may have a concept of justice where one is exculpated from its requirements if its obedience would bring little overall benefit.

If the justification of the virtues is in the security that they offer us in our ordinary commerce with others, then it seems unlikely that they depend on binding us even in tragic circumstances. After all, in order to get along with another I do not need to know that they will refuse to steal from me even when they are starving; only that if I go into business with them, then they will not steal from me for their own gain. Thus, one doesn't need the attitude 'do justice though the heavens fall' in order for justice to fulfil its function as a social adhesive.³⁵² The question, then, is what our attitude towards this attitude should be. In other words, is it rational or not to manifest a commitment to justice that sees it applying, inflexibly, even in the most extreme and tragic of circumstances? If, as Foot insists, the value of the virtues is in their necessity for our reductively specified ends, then the idea that we should see justice done though the heavens may fall is irrational and pernicious.

Thus, we are compelled by Foot's line of reasoning to think that the person who is virtuous in tragic circumstances is 'exceptional' only in the sense of being peculiar; their upbringing has made them commit to virtue beyond all sensible limits. Since they extend the appropriate contexts in which the virtues apply beyond all reasonable bounds, we are *forced* to view them as therefore less than excellent. Just as Humean accounts of natural virtues are, Foot is committed to rejecting the purported excellence of heroic instances of virtue.

6.32 NON-REDUCTIVE ARISTOTELIANISM

The conclusion of the last section was the contention that, like Humean accounts of the artificial virtues, reductive Aristotelianism is committed to dismissing exceptional instances of virtue as less than excellent. Both fail for the same reason, as both give explanations of the origins of the virtues which entail the imposition of limits of sensible commitment to virtue based on considerations of *utility*. As that analogy suggests, a non-

³⁵² It is really the possibility and admirability of this sort of attitude that Holland, Phillips, Gaita et al. are emphasising. Cf. Holland 'Introduction' and 'Is Goodness a Mystery?' in his *AE*.

reductive Aristotelianism, like a Humean account of the natural virtues, is better placed to give an account of the virtues which affirms their worth even in exceptional cases. However, such accounts need to be mindful of the requirement that they remain appropriately naturalistic (cf. §§4.1 and 5.2). In this section I will give an exposition of Hursthouse's non-reductive Aristotelianism, in preparation for my discussion (in §6.4ff) of the adequacy of these views from the perspective of the agent.

Hursthouse accepts that considerations of self-interest can play a role in justifying our adherence to the virtues, while prescinding from Foot's contention that the value of the virtues is solely derived from their usefulness in securing other material benefits whose choiceworthiness is unquestionable. This will be to give what she calls a "partial justification" for ethical norms; one that convinces sceptics who share part (but not all) of our evaluative outlook.³⁵³

If successful, this means that there is available a justification for the virtues which shows how our list of character traits describes genuine excellences for human beings, which are *a fortiori* inescapable ends for any given member of that species. That allows them to be 'rationally grounded' by reference to natural facts about human beings, without their value being relegated to the merely instrumental, the achievement of some further, reductively characterised state (viz., health).

Hursthouse attempts this compromise by holding a conception of *eudaimonia* which includes both a value-laden part (in which being virtuous is an end in itself) and a non-value laden part (the enjoyment of physical health &c.).³⁵⁴ The virtues are therefore necessary both as constituents of the ends of human beings and as means to their non-moral ends. In the best case scenario, a life lived in conformity with virtue will be *eudaimon* because the virtues will allow us to live long healthy lives free from fear and realising those ends which are constitutive of the excellences characteristic of our species. But virtue alone is insufficient for happiness; one must also enjoy the material benefits which the world provides the fortunate and industrious.

³⁵³ Hursthouse, *VE* p.195

³⁵⁴ That is on a charitable reading of her view. She also suggests at one point that virtue is neither necessary nor sufficient for happiness because the unjust can prosper and the virtuous suffer. She then says that the claim that the virtues benefit their possessor should be taken to be objective truths equivalent to doctor's prescriptions such as 'you will benefit if you don't smoke or drink'. That is, however, to retreat back to a reductive characterisation of the conditions of flourishing. On that view, the virtues are justified by their general usefulness in securing non-morally defined goods. That leaves us open once again to Phillips' complaints, such as that if we knew in advance that we would not get cancer (/be unhappy) no matter how much we smoked (/were vicious), then we would have no reason not to smoke (/be vicious).

One justifies the virtues by demonstrating that they are a reliable means to reductively specifiable goods. Thus:

the putative facts [...]Foot appeal[s] to[...] figure not only properly, but quite essentially, in what the virtuous say to their children as they are bringing them up, and to themselves, in reflective mode.³⁵⁵

However, these considerations only serve to induce children into participation with the language of virtue, and once they are fully matured virtuous adults then they will recognise that virtue has a non-instrumental value as well as bringing with it material benefits.³⁵⁶ An adult, if suitably raised, may in reflective mode wonder about the justifiability of their commitment to virtue (say, whether it is something worth defending, and at what cost). In such circumstances they may appeal to the fact that overall virtues are useful in the well-ordering of a society in order to reassure themselves that their adherence to virtue is well-founded. But, as in the case of the education of children, this reassurance is only a means of re-establishing commitment; it cannot give one a sense of the full value of the virtues. In this respect it is analogous to reassuring oneself about the worthwhileness of pursuing and appreciating art by reminding oneself of its psychological benefits.³⁵⁷

In this way, the fact that we expect virtue on the whole to bring psychological and material benefits to ourselves and others is a precondition of our expectation that children should be raised in virtue and adults held to its standards. If it were shown that virtue leads to widespread misery, then – on a conception of worthwhileness and reasonability which is informed by our shared ethical viewpoint – we would be justified in rejecting the virtues in their current form.³⁵⁸

Because virtue is necessary but not sufficient for happiness, Hursthouse accepts that there can on occasion be cases in which the necessary elements of one's flourishing pull one in opposite and irreconcilable directions. This is so in the case of the man on the rack, for

³⁵⁵ I have excised mention to RM Hare from the quotation, who, like Foot, justified moral considerations by appeal to facts about our reductively specified interests.

³⁵⁶ Though I say 'recognise', one could say that they are brought up to value it for its own sake, without thinking that in so valuing it they are coming to see some value in dispositions which is there anyway.

³⁵⁷ Hursthouse says that this answer, and the problem to which it is directed, is of purely 'philosophical interest' and should not have any practical consequences for how we act; cf. *VE* p.180 n.17. I have no idea what that means. If these sorts of philosophical considerations have no practical relevance whatsoever, then of what relevance are they?

³⁵⁸ That precondition is the direct corollary of Wiggins' stipulation that the material consequences of virtue provide a constraint (from within the structure of the virtues themselves) on the ways in which the virtues may be extended or modified; cf. §6.22 above.

whom the demands of virtue require sacrificing his physical well-being. Regarding such circumstances she says the following:

We think that (for the most part, by and large), if we act well, things go well for us. When it does not, when *eudaimonia* is impossible to achieve or maintain, that's... tragically bad luck.

In this respect she seems to be agreeing with Foot's account of the situation. What can the individual confronted with such a choice think about their circumstances and the alternatives open to them? Since the reasonable thing to do is that which leads to one's *eudaimonia*, then in a circumstance in which either course of action makes flourishing impossible, we seem to have a situation in which all bets are off. On Hursthouse's definition, this is an irresolvable dilemma.³⁵⁹ However, that is not to say that the *phronimos* will be indifferent to the alternatives in a case in which virtue conflicts with her other necessary ends. Rather, in such a case:

[the material hardships occasioned by virtuous action will] all be regarded as losses and disasters by the virtuous without their losing sight, for a moment, of the fact that, in *these* circumstances, one *just has to* risk bringing them upon oneself, or, indeed, courting them as a certainty.³⁶⁰

The crucial element of this account is the sense in which the virtuous individual 'just has to' act virtuously in such circumstances. After all, should virtue bring 'disaster' (e.g. premature death or disfigurement), a virtuous agent cannot rationally justify acting virtuously, since it is no longer a necessary means to the achievement of *eudaimonia*.³⁶¹

We are now faced with the same options that Foot was presented with when dealing with the same dilemma. We are, however, somewhat further forward. For Foot there was no dilemma in such a case, since the value of the virtues was entirely contingent on their necessity for prudential or self-interested reasons. For Hursthouse, by contrast, the virtues

³⁵⁹ "I take an irresolvable dilemma to be a situation in which the agent's moral choice lies between *x* and *y* and there are no moral grounds for favouring doing *x* over doing *y*. We could also describe it as a situation in which the agent's choice lies between *x* and *y* and nothing would count as *the* reasonable practical answer to 'Should I do *x* or *y*?' For our purposes it is the second formulation here which is the important one. Hursthouse takes them to be equivalent because, as an Aristotelian, she thinks of the class of the moral as one element of the broader, heterogeneous, class of the ethical.

³⁶⁰ *VE* p.183; second emphasis mine.

³⁶¹ Of course, in many other circumstances adherence to morality's demands will be painful and difficult but yet not disastrous, so long as it makes being *eudaimon* harder to achieve but not impossible. In such circumstances, the virtuous agent may indeed rationally conclude that this is just what they 'have to do'. That will be because it is only through acting virtuously that one can give oneself a chance of reaching one's final end. Here, we have a straightforward balancing of the material hardships against the requirements of virtue, and the conclusion that the latter win out. For Aristotle, premature death in the service of a noble cause would not count as disastrous because it is a means to becoming *eudaimon*. But Hursthouse specifically invites us to imagine cases where there is no nobility in the disaster that virtue entails.

have independent (but not overriding) value; so here we have what appears to be an irresolvable dilemma between two equally necessary but incompatible courses of action. In this context, we cannot simply say that the virtues take precedence, because the value of the virtues is contingent on their securing a flourishing life, and neither alternative will lead to that happy state of affairs. However, it remains the case that there is a good reason to be virtuous (as it is valuable for its own sake), even though there is equally good reason not to be virtuous. Therefore, unlike Foot, Hursthouse needn't saying that being virtuous in these circumstances is *unreasonable*. Even though it is not rationally required, it is no less reasonable than the other available alternatives.

The result of this is that the individual may feel sorry that they have found themselves in these circumstances, but despite this they will stand by the decisions that they made which brought them there. They do not resent virtue, on the following grounds 'things didn't turn out well for me, but I did everything right in terms of preparation for life. Being the kind of person who valued virtue for its own sake made me best prepared to succeed in life, even though it could not guarantee success.' In that respect, there may be nothing that the virtuous agent would do differently if they had their time again, even though they are disappointed by how things turned out for them.

In this way, Hursthouse's argument depends on moral requirements (viz., the inculcation of virtuous dispositions) being justified by reference to the lives of ideal individuals living in 'normal' conditions. Ordinarily, the inculcation of the virtues is both consistent with physical flourishing, and at the same time good in itself. Of course, most of us live in conditions that are non-ideal; the world doesn't cooperate to bring us the benefits that would otherwise accrue to the virtuous individual. The question then arises of what our attitude should be to the requirements of virtue given that conditions are non-ideal.³⁶² Hursthouse contends that in such circumstances we are bound to virtue anyway, on the grounds that we have inculcated virtuous dispositions (through education) which make the doing of virtuous deeds reasonable. Given that (true) happiness involves the manifestation of the virtues in ideal conditions, the virtues remain worthwhile in non-ideal circumstances because they remain the most reliable route that we have to securing the best happiness possible for human beings.

Hursthouse's view is similar to the Humean account of the natural virtues in the sense that she takes the presence of the virtues within the psychological development of the individual as a fact to be secured through an examination of human nature, and as not

³⁶²As we will see, this question is also central to Cavell's critical discussion of Rawls' theory; §7.5.

capable of justification in terms of some further function or usefulness which the virtues might be thought to have. Equally, however, both Hursthouse and such Humean accounts are agreed that within the framework of such natural virtues an explanation can be given for why our natures should have adapted to give them the form that they do – viz., that they are non-accidentally connected with the satisfaction of our other ends. This explanation provides an important constraint on the conditions under which we are required to pursue the virtues. It gives partially empirically determined preconditions on the application of the virtues (so that beyond a certain point one can say ‘there is no longer any worth to that virtue’) and on their limits (so that a proposed extension of the virtues can be denied on grounds of its difficulty).

6.4 THEORY & MORAL EXPERIENCE

With the following discussion in place, we can now turn to the question of whether such forms of rationalism are capable of accommodating the distinctive elements of moral experience from the point of view of the agent. In what follows I will consider what they will say about our purported *confidence* in morality’s deliverances, the distinctive way in which its requirements are *inescapable* and the fact that they do not occasion *resentment*.

6.41 CONFIDENCE

The first objection to rationalism is that Mary’s confidence in the judgement that she must Φ will be provisional on her confidence in the contention that it is generally necessary for individuals to treat each other in such ways. In other words, her confidence in the appropriateness of that response becomes that of her confidence in her best current moral theory. Her justification for the reasonability of her decision depends on the claim that there is a necessary connection between her actions in this context and some valuable element of her character or end to which she is committed. That claim is vulnerable to being overturned by experience; we might conceivably learn that what we took to be a virtue was not in fact an excellence characteristic of our species (as e.g. with the virtues that made Aristotle’s list), or that our commitment to them was counterproductive and not in fact valuable as was supposed. For this reason, our confidence in the appropriateness of the virtues should be dependent on our conviction in their indispensability for the human frame.

As we have seen, for a non-reductive naturalism the appropriateness of a certain virtue is not solely an empirical claim, being partially constitutive of our picture of what an ideal human being looks like. The model of the virtuous agent provides a framework against

which instances are to be tested, and only persistent and widespread divergence from the model could justify its abandonment or modification.³⁶³ That allows us to avoid seeing our confidence in the appropriateness of the virtues solely as an empirical hypothesis.

However, this response involves the implicit contention that we should assess our lives based on what is most admirable for human beings living in ideal conditions. It therefore involves the assumption that such dispositions are choiceworthy for us even if we know that we will never be like that, because our conditions are non-ideal.³⁶⁴ Thus, a further justification is needed for this contention.³⁶⁵

Neo-Aristotelians or those Humeans who are inclined to talk in terms of ideals will explain the relevance of the ideal character for us by contending that it is only through striving to make oneself virtuous that one can give oneself the best chance of being happy. But, when freed from Aristotle's essentialist presuppositions, that claim remains dubious. If, as Williams suggests, human beings are in fact a "bricolage" of competing drives which cannot be unified into a coherent whole then we have no reason to think that a life in pursuit of virtue is even the most reliable route to happiness.³⁶⁶ Rather, happiness might be less a case of viewing oneself as progressing towards some ideal, and more a case of attempting to reconcile, more or less piecemeal, the various different impulses and drives which manifest themselves, without rhyme or reason, through one's life.³⁶⁷

The difference between a view of ourselves as progressing towards an ideal of harmoniousness in our dispositions, and of ourselves as rather simply engaged in a process of 'making do' is not, I think, one which can be settled by empirical observation alone. For our purposes, what is important is that TN stakes our confidence in the appropriateness of moral responses on our confidence in the possibility of the achievement of virtuous harmony for human being (on the possibility of one day meeting a *phronimos* as one might meet a perfect specimen of some animal species), and on the appositeness of seeing oneself as progressing towards that ideal. That means staking our confidence in the value of good deeds to a vision of human nature. But, one might object,

³⁶³ Cf. Hursthouse, *VE* ch.10-11. This methodology is in certain respects similar to Rawls' *Theory of Justice* ch.1 §9.

³⁶⁴ And compare to Cavell's criticisms of Rawls in §7.5 below.

³⁶⁵ Aristotle's own answer to that is essentialist; in determining the ends which are characteristic of one's species one therefore finds out the goals to which one is naturally and inevitably compelled. Since these ends are inescapable for a being such as one is, the only reliable route to happiness is through so acting. Arguably, this involves a presumption about human nature (as having a particular essence) which is more dubious than the moral necessities for which it is supposed to provide support.

³⁶⁶ Williams 'Replies' in J. E. J. Altham and R. Harrison (eds.), *World, Mind, and Ethics* p.199

³⁶⁷ The relation to psycho-analysis should be apparent.

our confidence in the rightness of certain courses of action is not related to an underlying speculative theory of human beings in that way. When Mary says that she must help because it is the only decent thing to do, she needn't stake her confidence in that to the coherence and inescapability of an ideal of the human.

Williams introduces talk of the bricolage of desires in order to cast doubt on the felicity of moral theory. He would say that a given moral action may be appropriate, but only in the sense in which appropriateness means that so acting was, for this person in these circumstances, that which they had most reason to do. In other words, so acting is just one more instance of an individual successfully pursuing their personal projects. Where FNR is an advance over its rivals is that it can accommodate Williams' conception of the self as fundamentally unstructured, without thinking of that as entailing scepticism about morality. On such a view, morally good action is appropriate, but not simply the expression of an individual's personal commitments.

6.42 INESCAPABILITY

Rationalism takes morality to consist in a series of dispositions whose cultivation is justified either by its desirability, or else its practical inescapability for beings such as us. It is only therefore inescapable to the extent to which we cannot coherently wish to become other than we are. By grounding those requirements in either reason or else in the deepest reaches of an individual's character one makes them practically inescapable.

Both such wishes have literary and philosophic expression, though their underlying coherence is questionable.³⁶⁸ However, granting that moral concepts depend for their applicability on our human frames being as they are, an individual might coherently hold out hope that their nature might change such that they would no longer be answerable to moral judgements. That would be to wish that we might evolve beyond morality.

It is a short step from seeing morality as a socially- or biologically-constituted tool or proclivity, to yearning to be free of it. Even if in the circumstances in which one finds oneself one sees the inevitability of a certain course of action, as the best and even as welcome, one may nevertheless disengage from these ends sufficiently to hope that one day they may be transcended. (That is the hope that through a process of self-overcoming one might eventually become unrecognisable to one's (current) self.³⁶⁹ In other words,

³⁶⁸ Cf. Nietzsche, *The Birth of Tragedy* p.16-17 on the Dionysiac.

³⁶⁹ Cf. Nietzsche, 'From High Mountains: Epode' in *Beyond Good and Evil*, where the judgement of friends provides independent grounds for judging of oneself that one has changed (and changed beyond recognition).

there is an inevitable slide from Humeanism and neo-Aristotelianism to Nietzsche and Freud.)

In the Platonic picture of morality with which I started, no such thoughts are possible. The point of describing goodness as a 'pattern in nature' is to emphasise, firstly, that it is something external to us to which we must strive to conform ourselves, secondly, that it is a standard which inheres within nature itself which we cannot imagine being otherwise and so cannot coherently long to be free from.

6.43 RESENTMENT

Finally, and most importantly, according to rationalism an individual who suffers grievous natural harm from adherence to morality's requirements ought to feel regret that things have turned out this way. Supposing that the virtuous deed can be shown to be reasonable, then we may grant that it cannot be resented, for one cannot resent the requirement that one do what one (correctly) judges to be the best course of action available.³⁷⁰

However, one may still adopt an attitude of regret towards the fact that circumstances conspire to make so acting necessary. (It is this possibility of regret that makes it possible, for rationalists, for a virtuous response to be *reluctant* without therefore being deficient.) I might long to be free of virtue, in both its artificial and natural forms. The latter is equivalent to longing to be free of a desire (project, obsession) one has cultivated. The former is equivalent to longing to be free of some currently necessary mechanism for the promotion of (individual or general) utility, e.g. the State or one of its mechanisms.³⁷¹ In a case in which virtue's requirements are particularly tough, one can step back from them and regret that this is how it must be. One can detach oneself both from one's ends and from the necessary means to them, and regret both equally. In this way, even if the virtuous individual is engaged wholeheartedly in virtuous action, they still remain in principle divided against morality's demands, in that these are an intelligible object of resentment.

One's attitude to virtue in tragic circumstances must be that its inculcation was a gamble that didn't pay off. One ends up enjoying some, but not all, of the conditions that are

³⁷⁰ As I suggested above, resenting a moral requirement is the first step to undermining its authority entirely. It is therefore necessary for the existence of moral norms (unlike, say, their legal counterparts) that they not be resented. Cf. §3.4ff.

³⁷¹ In such a case, the more specific the object of one's dissatisfaction, the more feasible the hope that reliance on it may be transcended. On this view, in the same way as it is feasible to hope to escape dependency on fossil fuels, one might hope to escape dependency on our particular norm of e.g. charity.

individually necessary and jointly sufficient for happiness. In that case one cannot regret having been virtuous, as it was still the only reliable route to happiness available, but one may regret that things turned out in ways that made happiness impossible, and that therefore one's condition failed to bring about the happiness that may legitimately be expected from it, and that provided the animus for virtue's inculcation. It follows that we ought to lament the way that things have turned out; the ideal state of affairs in which virtue is both its own reward and brings material benefits must *obviously* be preferable to the circumstances in which virtue brings physical hardship, rack or ruin.

In all three of these respects, TN therefore entails that we modify or abandon our pre-theoretical attitudes towards moral deliverances. As I will argue in the next section, FNR can remain faithful to these attitudes.

6.5 THE OTHER & THE FIRST PERSON

There are individuals who, in cases where virtue brings tragedy, nevertheless refuse to regret their condition, or to see virtue as a failed (but still worthwhile) gamble. They do not think that their circumstances (where virtue means suffering or death) are *better* than circumstances in which the path of virtue brings material benefits; rather, they simply do not make such comparisons at all. The content of their judgement that Φ -ing is the good thing to do does not depend on a comparison or contrast with some imagined ideal state. If one refuses to compare one's current conditions to how things could have been, then one is not committed to saying that it is a pity that things turned out this way.

On this conception of morality, to possess the virtues is to adopt an attitude towards the world – one characterised by openness to its demands, and acceptance of what it brings – which does not require the activity of contrasting or comparing one's situation to some idealised state of affairs (and locating it as good enough, or deficient, with respect to that). On this conception of virtue, moral requirements express an outlook which does not depend on seeing virtue and happiness as perfectly manifested only in the idyllic life of an ideal agent.³⁷² We needn't talk about redemption or elevation in the pursuit of virtue, but rather need only think: 'this is how things must be, given how things have gone.'³⁷³

³⁷²When Gaita talks of a 'compassionate fatalism' he suggests just such an attitude; cf. Gaita 'Morality, Metaphysics and Religion' in Carlisle, Carter and Whistler eds., *Moral Powers, Fragile Beliefs* p.9; *RMF* passim.

³⁷³ By contrast, Kant occasionally talks about virtue as a reward capable of compensating us for any material hardships; cf. footnote 148 above. That supposition implicitly invokes commensurability between moral and non-moral considerations of just the sort that Kant seemed at pains to deny; it also seems to entail an intolerable sanguineness about the prospects of natural harm.

According to rationalism, on the other hand, a reasonable person is *forced* to regret that life has made happiness impossible, and they must acknowledge that the inconsistency of virtue and happiness is at least *prima facie* a consideration that calls into question the choiceworthiness of the virtuous course of action. They therefore respond either by accepting this resentment and attempting to mollify it, or by denying the possibility of reflection in moral contexts. TN therefore must reject as unreasonable the attitude of the compassionate fatalist. By contrast, an account of morality grounded in the claims of the other can accommodate the phenomenon of moral requirements as both sustaining reflection and yet not occasioning resentment.³⁷⁴ If one does not locate the source of morality in reference to one's own ends, then there is no need to think that one's judgements about how things have gone need involve thoughts about happy one might have been, were things otherwise.³⁷⁵

When one is moved by the presence of another to respond to the demands which they make on one, there may be no question of changing oneself so that one may escape from these demands. As I suggested earlier, they are both immediate and indubitable. Furthermore, the agent who is committed to so acting does not need to stake their confidence in the rightness of this course of action on some theory about what human beings ought or must do in general or ideal circumstances. The plausibility of this is demonstrated in the observation that in the face of a wounded friend judgements about what is required by theory are not only unnecessary but irrelevant.

According to FNR, the necessity of one's response in moral circumstances needn't involve, even indirectly, reference to one's own needs or interests, or one's expectations for how one will be treated oneself or what is necessary for social cohesion. The help that one offers to another needn't be premised on reflection of this sort, and when one is offered descriptions in these terms (e.g. that responding as one does is the best possible way for us each to realise our own projects), one may respond that this is irrelevant to an understanding of why one acted as one did. An explanation of that response will go

³⁷⁴ If the question of why one should so act can always be raised, then the challenge is to accommodate the puzzlement that it naturally occasions without trying to solve it by appeal to heterogeneous considerations or else succumbing to the indulgent quietism of seeing virtue as self-justifying, as its compensation for whatever hardships one may suffer. That challenge is, I think, no different from that of giving a characterisation of sainthood on which the saint appears as recognisably human. This means adopting a perspective on which the imperatives of happiness are neither mere weakness nor only opportunities to manifest goodness.

³⁷⁵ This refusal to think in terms of how things might have been in one's own case dramatises the contrast between the 1st and 2nd personal aspects of goodness which I touched upon above (§3.2ff). On this view, for the morally good individual, their behaviour is animated by an acceptance of their own hardships and yet a refusal to accept the hardships of others. (Thus, even when the other is beyond helping, the morally good person is moved to acknowledge the pathos of their condition.)

through one's reflection of what it means to suffer, and what the consequences of suffering are for the life of the individual who feels it. That explanation is consistent with having no beliefs whatsoever about how this act relates to one's ends. Rather, one responds this way because that response was what this suffering required; in other words, because there was – simply – nothing else to be done.

7 THEORETICAL NATURALISM & THE SECOND PERSON

My civil neighbour... is the very man I have
to deal with, - for it is, after all, with men and
not with parchment that I quarrel.
- Thoreau, *Civil Disobedience*

In this chapter I discuss the work of a series of writers that aims to cast doubt on two contentions – firstly, that wrongdoing can be appropriately characterised as a mistake in judgement, and secondly that the truth of Mary’s assertion that she cannot walk past is secured by a theoretical paraphrase of the concept of the human. This chapter and the preceding one are twins. In ch.6 I argued that rationalism gives an inadequate characterisation of moral goodness as manifested in morally necessitated action, when considered from the point of view of the agent; here I argue for a similar inadequacy for TN from the point of view of the recipient. The individual whose behaviour in moral contexts is grounded in theory is incapable of giving the recipient what they most crave in morally good action, which is an unmediated connection with a fellow human being (§§7.1 & 7.2). In this chapter I expound this thought as I find it variously expressed in the writings of Williams (§7.3), Diamond (§7.4) and Cavell (§7.5). I then develop this further by drawing out some consequences for our picture of the nature of moral justification (§7.6). Finally, in a positive vein I discuss some of the interrelations between moral goodness and the concept of the familiar (§7.7). I argue that FNR can accommodate these interrelations, whereas (for the reasons canvassed above) TN cannot.

7.1 THE NEED FOR RECOGNITION

Mary and Mark’s trip to see Billy Budd at the ENO was cut short by the car accident that wounded the cyclist. This is a relatively uncommon situation to be in, and that fact may lend her declaration that stopping is necessary plausibility. However, in London one is almost always walking past a beggar. Suppose that Mary stopped, not at a cyclist wounded on the side of the road, but a beggar, very drunk and in some distress. As much as in the other circumstance she could appeal to the beggar’s *humanity* to explain her actions.

My interest now is not in whether she would in fact be justified in so stopping, nor whether there are relevant differences (to do with one situation and not the other being an emergency, say) which would justify helping the cyclist but walking past the

beggar.³⁷⁶ Rather, I am interested in two questions; firstly, how one characterises the fineness of Mary's deed if she helps the homeless person, and, secondly, how one goes about justifying walking past (if one does) – in other words, what role there is for an appeal to theory in an individual's exculpation from, or arraignment to, responsibility for their actions in circumstances in which moral considerations apply. I postpone discussion of the second question until §§7.3-6. In this section I will discuss the fineness of Mary's response, and in §7.2 I will try to take from the case a general lesson about a distinctive kind of moral harm to which others are vulnerable – the way that a person can be *dehumanised* by social conditions or the behaviour of others.

In explaining the worth of Mary's action, the first thing to note is that she overcomes the natural instinct to withdraw into oneself and against the world. The easiest thing for her to do would be to carry on with her own projects, to remain preoccupied by her own problems. Helping is especially difficult because it may be unsettling – in other words, the consequences of committing oneself to the other cannot be foreseen. She is now *familiar* to the person to whom she offers help, and he familiar to her, as they have been bound together by this experience that they have shared. If he survives he might come to find her, or she might wonder about he is doing. If he dies she might wonder if she should have done more, or might, many years from now, think back to him and his dying moments. Perhaps no particular thought will arise when she remembers him in this way. In this way, by stopping Mary gives herself material for contemplation even though she might not want to complete, and makes herself vulnerable to questions ('how could you help him? Were you afraid?' &c.) which she may not want to answer. Were she, like Mark suggests, simply to rush past and not attend to the other then she would escape from this demand upon her.³⁷⁷

I return to the concept of the familiar in §7.7. Here, I invoke it only to explain the natural inclination to turn away, without malice, from the demands of others in terms of the fact that responding to these demands involves a potentially undesirable vulnerability to reflection and experience. This vulnerability is, I suggest, a product of the distinctively personal nature of the relationship between a giver and recipient of charity. In the remainder of this section I will try to show that part of the worth of Mary's response consists in the personal nature of her response to the other.

³⁷⁶ Or would, if not exculpate the individual entirely, then at least mollify the offence.

³⁷⁷ If she could not escape from the demand of questioning, she could at least make it attenuate – beyond 'I didn't see him there' or 'I just didn't help him', there may be nothing more for Mark to say, and nothing more to ask him about his meeting with the person who needed help. In rushing past one really sets oneself against this becoming a meeting of individuals, the sharing of a moment, at all.

An account of what makes helping the afflicted a good thing to do will have to be cognisant of the benefit that the sufferer gains in being so helped, and accordingly, the ways in which they suffer in their current condition. If one were to characterise the terribleness of the situation of begging, one might appeal to its characteristic vulnerability and dependency. Importantly, the homeless are dependent on others not only for the provision of natural goods (food, water, shelter and so on) but also for recognition of their *humanity*. Often there is nothing worse than the invisibility to others that comes from affliction. Those living on the margins of society lack the ability to participate in those social rituals out of which our sense of self is constructed and through which it is maintained. These include reciprocal gestures of hospitality and familiarity, and the ability to participate, fully naturally (i.e. without suffering condescension) in ordinary social commerce. We wear suits, carry badges and cards, and naturally and habitually allow our physical distance from, and posture towards, strangers, to be shaped by appropriate social circumstances. Thus, on the tube in rush hour we happily cram ourselves next to one another. When passing each other on the street, we turn aside to make room for others. If someone has slipped and fallen we will look to see if they need help – if it is comical (and not too serious) we may laugh about it, &c.

In all of these respects and many more besides, our attitudes towards the homeless (towards, one might say, the visibly homeless) are different. We stare at them, or deliberately avoid their gaze. We do not turn aside our footsteps in quite the same fashion – we hurry past them, or cross the road to avoid them, and so on. They do not carry cards or wear suits and their hands are not clean so we don't touch them. If a homeless person falls then we will be more reluctant to go and help ('justified' with the contention that 'he is probably drunk', or some such); if it is comical we will be reluctant to laugh.³⁷⁸

For this reason a homeless person may crave, far more than food or drink, the *recognition* which comes from another human being looking into their eyes and treating them without condescension.³⁷⁹ That involves understanding that the loss of the ability fully to participate in civil society does not thereby deprive one of one's humanity. Charity in this context is not a matter of offering the person the ability to 'get back on the social ladder', so much as offering the person *a hand*. And that may be, for the recipient, a source of

³⁷⁸ Of course I do not intend these appeals to what 'we' do to be either universally true or in any way justified. On the contrary, the intolerability and unjustifiability of treating others in this way is revealed to us in the behaviour of exceptional individuals who do not treat the homeless in this way. For an example of this, cf. the way that Romulus Gaita behaves towards Vacek; *RMF* p.66ff.

³⁷⁹ On the absence of condescension towards the afflicted cf. Gaita *ACH* pp.17-19.

nourishment and a legitimate object of wonder because through that ritual there is forged a connection (albeit, perhaps only briefly) between two human beings.

Thus, when a beggar is given food by a volunteer they get not only food but also love. If they feel (whether rightly or wrongly) that they are a victim of an endemically unjust system, then from that help they may gain a sense that, despite everything, there remains the possibility of equality of treatment. The pain of injustice is the fact that in being treated worse than someone else one's sense of value is assaulted – if he can be privileged over me then his interests must be more important than mine. If injustices are perpetuated or tolerated then that thought may harden into a sense of utter worthlessness. As one is deprived of equal treatment one begins to stop seeing oneself as an equal, and therefore as the kind of being – one with integrity, projects and plans, opinions and a point of view – who can participate in personal relationships with others. As this condition becomes entrenched so too etiolates the possibility of asserting one's individuality against the world, and of asserting oneself therefore as both a limit to the wills of others and at the same time as an opportunity for them, as a potential friend, or lover, or conversation partner (a source not only of knowledge but of potential for fellowship and the pursuit of understanding).

Notoriously, not all forms of human contact involve this kind of recognition of the other; our connection with them must be genuine. Here the modifier 'genuine' is important. It is as unclear as the corresponding notion of living an 'authentic' life.³⁸⁰ In both cases while the concepts in their positive sense are opaque, the feeling of falseness in relationships, or inauthenticity in one's life, are, when they occur, so strong as to be indubitable.³⁸¹ If one is dissatisfied with the response of another (which one feels to be detached, distant, condescending, removed) one reaches for notion of the manner in which the other acted. It is not what they did, but the way in which they did it, that makes all the difference.

I have tried to suggest that we need to invoke these concepts in order to explain what the fineness of Mary's response consisted in. In the case in which she is responding to the wounded cyclist we take that for granted, because we assume that whatever else the cyclist needs, he is not short of people who care for him and would miss him if he were to die. But in being wounded one may be reminded not only of one's physical vulnerability, but of the precariousness of recognition – how easy it is to slip out of the notice or concern of others. In his wounded state, the cyclist may sudden realise that he meant less to most

³⁸⁰ On authenticity cf. e.g. Golomb, *In Search of Authenticity*; Nehamas, *Virtues of Authenticity*.

³⁸¹ To explain this I would compare it to our desires for a real connection with others in loving relationships. But this is less of an explanation and more a pointer for where to look for one.

than he thought, and that realisation can be a greater wound than the physical harms he suffers. In that context, Mary's compassion is a greater good than any material assistance she might be able to offer. She shows him that at this moment there is at least one person to whom he matters.

With this in mind the question becomes whether the concept of recognition can be accommodated within TN; whether, in other words, an account of Mary's response in terms of the structures of the purposive, and as rationally or physically necessitated, can explain the worth of actions whose value consists in part in their intimacy. Rather than approach this question directly, in the next section I will discuss the way in which a loss of recognition can constitute a peculiar kind of harm – that of *dehumanisation*. I will then discuss the ways in which one may respond to dehumanisation by upsetting or undermining the smooth operation of the logic of purpose. In §7.3ff I will argue that the intimacy involved in the recognition of another (and *a fortiori* in certain instances of morally good action) cannot be explained by TN.

7.2 DEHUMANISATION

It is because we depend on others for more than just material comforts that there is a particular pain attached to injustice by contrast to misfortune.³⁸² I would suggest that in this context, madness is the self's desperate attempt to express itself (to make its presence felt) against a form of neglect in which one's value is compromised. The terribleness of mistreatment is the fact that in being responded to in this manner (say, in being used by another as only a vehicle for their own self-satisfaction) one is reduced to an object about which the only question is how one ought to be *treated*.³⁸³ One is therefore no longer seen as a fellow human being, with all that entails; as a potential conversation partner, companion, equal, &c.³⁸⁴ This gives us a sense of the dehumanisation of the other as the reduction of them in one's attitudes to the status either of an animal or of merely a thing.³⁸⁵

This kind of recognition for the afflicted may be extremely important. One can see that if one imagines that a politician proposes (in utilitarian mode) a solution to the problem of hunger through the provision of vending machines, which will dispense nutritionally

³⁸² Cf. Gaita, *ACH* pp.73-85.

³⁸³ As Diamond expositis the characteristic mark of our relationships with animals; cf. 'Eating Meat and Eating People'. There are obvious parallels here with the Kantian notion of always treating others as ends as well as means; Kant, *GMM* 4:428.

³⁸⁴ Cf. Gaita *ACH*, pp.259-85.

³⁸⁵ Cf. Cavell, *CoR* pp.376ff.; Diamond, 'Eating Meat and Eating People' pp.331-2; Gaita, *ACH* pp.57-72; Weil, 'The Iliad' passim; Winch, *TJBch*.6-7.

appropriate food to those who are hungry and cannot provide for themselves. A hungry person could justifiably reject the food from the machines on the grounds that it answers their need but ignores their humanity. Equally, they could, perfectly reasonably, choose to queue for longer and to receive a smaller amount of food from a volunteer.

That is not to say that the introduction of vending machines for the hungry would never be welcome, only that it is insufficient as a response to the moral problems that hunger presents. It is therefore a form of corruption of one's moral sensitivity to welcome the introduction of such machines as freeing oneself from the requirements of charity. So long as injustice is possible, the requirements of charity can never be escaped from.³⁸⁶

The imagined refusal of the homeless person to take food when delivered in this manner is the opposite of the phenomenon of a hunger strike in defence of a political principle or cause. In that case, in refusing to eat one rejects one political principle in favour of another. By contrast, the hungry person who refuses to take food from the vending machine does not repudiate the principles upon which those machines are supplied – rather, she opposes the perspective from which she is interacted with only as one instance of the problem of hunger, to be solved by the alleviation of that physical need through whatever means are most effective. Any perspective on which the needs of the hungry can in principle be solved by machines rather than other human beings is, she claims, deficient, precisely because it fails to mark the differences between humans and machines. In treating the homeless as 'mouths to feed', in a manner indifferent to the mode by which this might be achieved, the homeless are thereby dehumanised.

One cannot, it seems to me, dismiss the homeless person who would refuse food from a vending machine as irrational or otherwise less than competent. That suggests, in turn, that considerations of one's humanity can upset the operation of a maximally effective system for the provision of material goods, i.e. for the satisfaction of our naturally given ends.³⁸⁷ That gives us a model, writ large, for the conflict between an individual's naturally constituted ends and the way they may be disrupted or informed by considerations within the realm of meaning; demands that are born of a sense of humanity (of theirs or another's).

³⁸⁶Plato suggests, furthermore, that we can never escape from the danger that another might be wronged by us, so long as we remain human; *Theaetetus* 176a4-7. That thought would find itself at home in Kant as well, with its invocation of a non-contrastive sense of Goodness (and a 'heaven' in which that goodness is perfectly manifested) and its contention that our instantiation of the good on earth can only ever be imperfect (because partial).

³⁸⁷ This is just one instance of the broader effect of the familiar on the logic of ends and means; cf. §7.7 below.

Equally, however, the homeless person would not be irrational if they were to choose to take the food. To decide not to is a personal decision, in the sense that it involves self-assertion which is only ever something that a person can be brought to on their own (to be able to stand for oneself, to say 'here and no further').³⁸⁸ The homeless person does not want the introduction of a different system; they reserve their right to set themselves against systematic treatment entirely.³⁸⁹ They want to smash this system not in order that it be replaced by one which is better or more efficient, but only to assert their independence from systematic considerations – which they might otherwise express as their uniqueness, or their subjectivity.³⁹⁰ That act of self-expression is specifically directed at being viewed as a problem to be solved in the provision of a system or a theory – as for example, a collection of needs and interests to which to minister.³⁹¹

If even an effective attempt to minister to the most basic and necessary material needs can be overturned or upset in that way then this suggests that reductive TN is in trouble.³⁹² A non-reductive TN will try to accommodate this case by including 'recognition of one's humanity' amongst the needs to be ministered to. For this to make sense of acts of repudiation, the value of natural goods must, in certain contexts for at least some individuals, be contingent on the recognition of one's humanity. Substantiating that will depend on showing how our biological and other needs stand in a complex hierarchy. The idea that we can simply postulate morally inflected needs as an inescapable part of the human in order to corroborate moral norms is in danger of becoming an instance of non-naturalism, unless it can be shown how those morally inflected needs are determinately and non-accidentally related to our biologically given ends.

Whether or not an account in these terms will be successful depends on whether we can accommodate the desire for recognition as an element in a structure of ends, delimited and arranged according to theory. If the machine is the physical instantiation of a theory,

³⁸⁸ In §7.7 below I argue, *pace* Cavell and Williams, that this does not entail the homogeneity of the ethical.

³⁸⁹ This urge is also expressed in the concept of mercy. To allow the possibility of mercy in even an entirely just system of punishment (if even God can be merciful) means acknowledging the ability of an individual's particular appeal to undermine or upset the smooth operation of a system of ends and means. Of course, from the point of view of justice, making piecemeal exceptions to the operation of an exceptionless and just law seems intolerable.

³⁹⁰ It doesn't follow that the person who wants to smash the system hopes that it is not replaced, though they might. It is consistent with this kind of self-assertion that one accept the necessity and inescapability of systematic treatment, but that one reserves the right to (try to) overturn.

³⁹¹ A more thorough examination of this topic might compare it to the urge to graffiti, or to make other functionally useless but personally important marks on an object. As I have suggested in §7.1 above, that would then connect to rituals, which have a point only because they don't have a purpose.

³⁹² This is the same problem that Winch insisted upon and that I discussed in §4.1, approached from another angle.

then we have here an example of the inadequacy of TN because of its mechanisation of human relationships.³⁹³ When the homeless person was imagined to reject whatever goods she could receive from the vending machine, that was taken to show that their act of self-assertion was an expression of a dissatisfaction in the operation of the system itself. However, I do not take this example on its own to be decisive against TN. All that I have tried to suggest in this section is that an adequate account of the fineness of moral responses must take into the fact not only that helping provides people with natural goods, but that we can provide another person with a recognition that they are human, that they themselves are valuable.³⁹⁴ But more must be said to show that a response which is governed by theory is *eo ipso* inadequate as a mode of attending to, and recognising, the humanity of the afflicted. Demonstrating that is the subject of the next sections.

7.3 ONE THOUGHT TOO MANY

In this section I am going to discuss an observation of Williams' which can be developed to suggest that theory is inadequate to an account of the fineness of moral responses. In what follows I make use of Williams' example in ways which he himself might not recognise or agree with. Whether he will depends on how one interprets his own position; insofar as he is committed to some form of TN, he cannot agree with the way in which I use the case.³⁹⁵

The passage comes in in his discussion of the example of a man faced with a choice between saving his wife or a stranger from drowning. Charles Fried had, in his specification of this case, defended the man's decision to save his wife on the grounds that the nature of the emergency situation provided a suitable "randomising event", such that the stranger could not justifiably claim that his rights were being infringed. Because (and only because) of this, Fried contends that it is justifiable for the man to prefer his wife's life over that of the stranger's. Replying to this, Williams says:

It might have been hoped by some (for instance, by his wife) that his motivating thought, fully spelled out, would be the thought that it was his wife, not that it was his wife and that in situations of this kind it is permissible to save one's wife.³⁹⁶

Here, Williams insists that there is a way of attending to the needs of another in which theoretical considerations (viz., "in situations of this kind...") are not only irrelevant but are in fact pernicious. The appropriateness of the husband's response, were it to satisfy his

³⁹³ Literature discussing this starts from Kant, *GMM*; Heidegger, 'The Question Concerning Technology'.

³⁹⁴ In other words, it is not only that Mary saves the cyclist's life, but that she reaffirms for him that his life is worth saving.

³⁹⁵ On the issues here cf. §§2.5-8 above.

³⁹⁶ Williams, 'Persons, Character and Morality' in his *Moral Luck*.18

wife, consists in its *immediacy*, in a sense in which reference to theory as governing the husband's actions would be an instance of mediation. What it means to be a response to be immediate in this sense, and just why theory should be inimical to the fineness of the husband's (or, by extension, Mary's) response, remains to be seen.

On first blush the force of this objection appears to rest on a phenomenological account of the deliberative processes of ordinary people. Thus, someone who recognises that one of the individuals drowning is their wife will not go on to ask whether that fact is itself sufficient to warrant rescuing her, or will include in their specification of the grounds that moved them their awareness that so acting was the permissible thing to do.

Williams himself characterises the problem here as one of motivation (rather than justification), and implies that the motivations of the ideal agent that Fried (whose position is in this respect typical of the 'morality system' in general) holds up as an exemplar are inappropriately Janus-faced. When the imagined individual helps his wife he looks both to her in her need and to the fact that in so acting he behaves in conformity with duty's requirements. In other words, part of his motivation for helping his wife is *that he is permitted to*. But to divide his attention in this way, to act only because he is certain that it is permissible to do so, thereby undermines his contention to be acting genuinely for his wife's sake.

Understood in this way, Williams' criticism of the morality system does not pass muster. A sensitive defender of the morality system will not see themselves as committed to any theory of the actual thought processes of the man in such a context. (As I suggested before, TN is not committed to moral theory being part of an individual's decision procedure; cf. §5.11) They will accept that the man's driving thought, fully spelled out, is only that *his wife needs help*. His attention in the situation may, perfectly appropriately, be directed entirely at her and not at an assessment of the rightness or fineness of his deed as it relates to the theoretical strictures which determine structure of right and wrong. Nevertheless, the husband's behaviour is still *structured* by the requirements imposed on him by morality. Moral considerations inform his outlook and thereby help to determine what features of a situation present themselves to him as (perhaps decisive) reasons to act in one way or another. As a product of an exemplary moral education, his perception of the world is organised around those considerations that the best moral theory deems salient. When he acts with complete control and in full cognisance of the facts, his actions are always justified (and therefore permissible), even though he doesn't (and may never) stop to justify them, either to himself or to others. Therefore – *contra* Williams – it is correct to

say that the husband acts to save his wife only because it is (morally) permissible to do so; but the 'because' here indicates a conceptual connection to a justificatory, and not a motivational, reason.

In this way, TN offers a response to the 'one thought too many' objection which depends on the truistic sounding observation that the man may only save his wife if it is permissible to do so. This observation is further buttressed by the insistence that in other circumstances the very same consideration (that his wife needs help) would be no reason to prefer her over a stranger (if, e.g., the wife were applying for a job at the husband's company). From this it appears to follow that the man can only be confident that it is appropriate that he give his wife priority insofar as he is sure that, in circumstances such as these, giving her this kind of priority is morally justified. And, so the thought goes, this question is settled (in principle if not in practice) by the deliverances of ideal moral theory.

Despite its sounding truistic, I think that the wife's appeal, when taken seriously, demonstrates the falsity of the presumption that the man may only save his wife if it is permissible to do so. Specifically, an excellent agent may judge truly that there is something that they *must* do, without regard to the further question of whether it is something that *morally* they *may* do. In other words, this case demonstrates that a course of action can be personally necessary without being morally permissible. Furthermore, given that the husband can justify his acting as he does by appealing only to the distinctive nature of his personal relationship to his wife, justifiability is not solely a moral notion.³⁹⁷ (§Cf. 7.6-7)³⁹⁸

Thus, a non-moralistic specification of the example will declare that there are no limits *set in advance* which determine how the husband must act.³⁹⁹ If (in another case) he decides that his duties to his wife do not extend to that which she demands of him, then he must make that decision, and justify it to her as best he can. If he chooses to appeal to a theory at this point, then that choice itself reflects something of his conception of the relationship. What it reflects in a particular case will depend on how he appeals to the

³⁹⁷ In this, I agree with Williams' criticism of the morality system as arbitrarily presuming that all obligations are moral obligations, and in taking such obligations to have universal scope. Cf. §2.7 above. However, I do not think that the naturalisation of justification in this way entails that being justified is always a personal matter. In other words, justification is, like the ethical to which it applies, a heterogeneous notion.

³⁹⁸ The point of this paragraph leaves open the possibility that a certain course of action may be immoral and yet justified.

³⁹⁹ Compare to the reference to "sheer self-assertion" as grounding Gauguin's declaration that he must leave to paint; footnote 90 above.

theory; e.g. as presenting a distinct demand which trumps that of love, for example, or of settling the scope of this love's demands.

The husband appeals to considerations which are personal in order to show that he was justified in acting as he did. He demonstrates the way in which he is drawn, inexorably, to act, in the face of the suffering of someone who he loves.⁴⁰⁰ That these demands are not validated by reference to further, general, considerations, follows from the fact that our personal lives are not (indeed, could not be) regulated by theory. Even if I make a principle such as 'if you Φ I would no longer love you', the question will still remain whether to adhere to this principle or not in conditions under which you Φ . That there is no irrationality in abandoning one's principle at this point, demonstrates that an appeal to principle is never on its own decisive when the issue is how to respond to a personal demand.⁴⁰¹

Of course that is not to say that the wife may make any demand on her husband, and expect him to keep it. But devotion for one's wife could intelligibly lead even to the commitment of murder.⁴⁰² (The actions of the protagonist in the movie *Hana-Bi* give an example of a reprehensible but not unjustifiable instance of murder for love.) I am not saying that an individual who was driven to kill for their loved one is right in so doing. Indeed, if they are lucid about what they are doing, then they will recognise that what they are doing is indefensible and wrong. But, for all that, we might find ourselves incapable of dismissing the individual who so acts as necessarily incompetent or deficient (i.e. as weak-willed, or stupid, or defective in his understanding); so long as he does not try to appeal to the necessities that forced him so to act as an exculpation from answerability for the wrong that he has done.

In this way, we should read Fried's case as insisting on the *perspectival* nature of the considerations that move an individual to act, and the consequences of this for the nature

⁴⁰⁰ Compare *Symposium* 218a-b; *Charmides* 155d-e.

⁴⁰¹ One might object that there is an analogous question in the law, when a court decides whether to establish an exception to a law (through a point of interpretation, say) or else to uphold its applicability in this case. But such exceptions must necessarily be uncommon in the legal process, as to admit too many exceptions will undermine the law's content. (In legal contexts, the exception proves the rule, because the creation of an exception for this case functions by marking this case out as special. It therefore implicitly endorses the applicability of the law to other cases which do not share this special feature.) By contrast, there is no analogous threat to personal relationships, which can survive without principles at all.

⁴⁰² Interestingly, though, one could not intelligibly claim that one was compelled to commit an *evil* (rather than merely wrong) act on the basis of love, without that love thereby being a corruption of one's understanding (and, I am inclined to say, a non-genuine form of love). That suggests, I think, that evil is selfish in a way in which wrongdoing need not be.

of justification.⁴⁰³ (Cf. §7.6) To call such considerations ‘perspectival’ is to insist on the importance of the connection between an individual’s acting in a certain way and their outlook on their life, in other words on their sense of who they are and how it is affected by what they have done.⁴⁰⁴ It is because actions relate to an individual’s understanding of themselves in this way that one can say that what matters is not that something is done, but that I am the one who does it. (e.g. not only that she is told, but that I am the one who tells her.) In the case of the husband confronted with his drowning wife it matters to him not only that someone is saved, but that she is saved. Furthermore, (one may hope that) it matters not only *that she is saved*, but (given his circumstances) that *he is the one who saves her*.

According to TN, I can only take into account the fact that it is I who would act in this way (and so facts about my personal commitments and responsibilities) insofar as those are validated in theoretical terms. However, since the content of a moral theory is necessarily impersonal, reasons which are endorsed by moral theory become impersonal by virtue of that endorsement.

This is a thought which Williams would recognise and agree with. In a different context, he insists that life must have sense if morality is to have sense. Just how that claim is to be understood is a matter of contention.⁴⁰⁵ One might read Williams as here insisting that moral value depends on there being personal spaces in which one may act without reference to moral value. That goes along with the idea of morality as a tool to serve our collective interests, which demarcates limits to what we may do in pursuit of our personal projects in order to secure collective harmony. In that case, in the absence of a space in which one could pursue one’s personal projects, morality would lose its *rationale*, just like a tool whose operation undermined its own purpose.

But in fact we can take a more radical view of morality from reflection on Fried’s case. Although the husband’s response to his wife is not made on the basis of a judgement that so acting is the morally right thing to do, we might nevertheless take his response as a prototypical instance of selflessness and as such, if not an instance of moral goodness, then

⁴⁰³ Originally a Nietzschean term; cf. *The Will to Power*, §481. This can be compared to Winch’s use of the concept of “sensibility” in ‘Who is My Neighbour’ p.166 and elsewhere. And cf. also Diamond, *TRS* pp.9ff.

⁴⁰⁴ This is a recurring theme of Williams’ writings. It is also crucial to Winch’s discussion of these issues in his ‘Moral Integrity’ in *EA*.

⁴⁰⁵ Thus, Herman reads it as a psychological hypothesis; cf. ‘Agency, Attachment and Difference’. That Williams is open to being understood this way dramatises some of the difficulties with interpreting his view. I would suggest that comes from not freeing himself entirely from the presumptions of TN.

an example of behaviour which in other circumstances would be morally good. That is to suggest that a moral saint would respond in the same manner towards a drowning stranger as the man does towards his wife. Indeed, in §7.1ff it was suggested that it is the immediacy and personability of Mary's response which marked it out as morally exceptional. In that case, it is not simply that morality depends for its sense on a background of personal values, but that moral value is *expressed in* responses which depend on personal value.

In that case, the question of whether morally valuable actions can be represented as proceeding from the deliverances of theory will depend on whether we can see our personal relations as modulated by theory in that sense. This, I suggest, seems implausible. (And cf. §7.7.) If the scope and nature of our personal relationships are such that our commitments within them are not set in advance in theoretical terms, and if morality depends in part on our committing ourselves, personally, to another individual, then the role of theory in morality is necessarily limited.⁴⁰⁶

Part of the point of §7.2 was to emphasise that the absence of certain personal relations can itself constitute a moral wrong, even when such relations cannot (in a particular instance) be *demande*d.⁴⁰⁷ A homeless person who objects to the provision of food *via* vending machines senses an injustice in the promulgation of a system which deprives her of personal contact, and which frees others from the obligation to consider the homeless people that they walk past. However, although a genuinely good deed may be done through offering friendship to someone on the margins in this way, the homeless person cannot *insist* of a given passer-by that they be anything more than civil towards them. That is because friendliness – when it means something more than politeness – is an attitude towards another person adopted out of genuine interest and not from obligation.⁴⁰⁸

However, morality's dependence on the personal is only, I think, partial. It is for this reason that the finest moral deeds, unlike the closest personal gestures, can be undertaken

⁴⁰⁶ Sometimes Williams gestures at this point, e.g. in 'Persons, Character and Morality' *passim*. However, he recoils from the idea that moral requirements could be the impersonal deliverances of theory, to the idea that they are therefore simply the expression of personal projects; cf. his claim that an amoralist who intermittently cares about other's needs "an extension of his imagination and his understanding [not] a discontinuous step onto something quite different, the 'moral plane'" (*Morality* p.11). As such, he cannot free himself entirely from a commitment to TN.

⁴⁰⁷ Another part was the thought that whether the homeless person objects in this way is a matter of personal choice – on which cf. §7.5 below.

⁴⁰⁸ As Kant notes, it is characteristic of obligations that they can perfectly well be fulfilled reluctantly. *GMM* 4:397. By contrast, friendliness is a form of love, hence the commonplace that one cannot be compelled to love another. Cf. §7.7

anonymously – so long as that anonymity is not a form of evasion.⁴⁰⁹ FNR can make sense of this through appeal to the effect that the presence of another human being may have on one. The moral worth of an action need not depend on one seeing in it the beginning of a shared intimacy between two individuals, one which might blossom into e.g. a friendship. (Though it is important for the personal nature of moral responses to note that we would see this as a natural starting point for a friendship.) Rather, what one receives from the other is a kind of attention which reaffirms that one matters to others – the cyclist himself has made an impression on Mary, and matters to her. He can take comfort from this without knowing her name or anything about her, and without ever seeing her again, or wanting to.

Thus, the moral of this discussion is as follows: morality depends on the possibility of personal relations, but that these relations by their nature cannot be legislated for. This introduces an instability into the nature of morality, in that its claims depend for their sense on their occurring within a background of a life which has commitments that threaten to upset morality's distinctive authority. I have tried to suggest that, rather than quieten this conflict through depriving morality of its claims to absolute authority, we should rather embrace the fact that the life of a non-deficient and responsible agent may be marked with this kind of inescapable conflict. As with the case of Gauguin, morality might have a speaking role, and yet a person find themselves forced to go against its demands. So long as they feel remorse for having so acted, we need not think that they have acted in *error*.

Williams infers from this to the conclusion that since morality can be trumped by personal considerations, moral demands must therefore be one species of personal project amongst many. This would only follow if a *sui generis* value for morality required that its requirements trumped in deliberation – and I have suggested that this needn't be the case (§3.42).

It is natural to conclude from this case that moral value is only one value amongst many, that in this case the husband may set morality aside in order to do justice to his personal commitments.⁴¹⁰ There are two ways to understand the contention. The first is to commit oneself to a form of irreducible value pluralism – moral values jostle with the values

⁴⁰⁹ As Winch notes, this is part of the power of the parable of the Good Samaritan. Cf. 'Who is My Neighbour?' An example of evasiveness would be certain cases where one throws money at a problem rather than dealing with it personally.

⁴¹⁰ Cf. Wolf, 'Moral Saints' in *The Journal of Philosophy* Vol.79, No.8 (1982) pp.419-439. Such a view involves denying the claim that moral considerations override others in deliberation, though as we have seen that is not necessarily a problem.

attendant upon personal relations, and with (perhaps) aesthetic values as well. In that case, the upshot of this case would be the reminder that in the domain of values (and the reasons for action which follow from them), no one class stands above the rest. The activity of practical deliberation then becomes that of determining the best course of action given the competing demands on one's attention. The second way to understand that contention is as defending the idea that one class of values has overriding authority, but to broaden that class out from the moral as narrowly conceived (which is the Kantian tradition that Fried works in) to the ethical more generally.

The difficulty with an irreducible value pluralism is that it appears to violate the naturalistic strictures of §4.1ff, insofar as it postulates the existence of values which we become aware of through a faculty of intuition and which have no necessary connection to our needs or to empirical conditions.⁴¹¹

Williams' position is a hybrid of these two options – he thinks that there are a multitude of different values, and in that sense he thinks that there is no master value of 'the ethical' which has a stable content and will always take precedence. However, he does think that all of the different considerations that an individual can take into consideration will be grounded in the ethical in the sense of being grounded in that individual's S. This means that they will be commensurable in deliberation.

By contrast, I want to find a way of accommodating the idea that there are *sui generis* and distinct values which have different sources and are therefore not commensurable in deliberation, while respecting the naturalistic intuition.

In the next section I am going to argue that an account of this case that broadens out the master value to the ethical remains intolerable, that it fails to capture what is deepest in the case; it refuses to see the fundamental instability in our rights and responsibilities towards others, which is not set a priori. By emphasising the instability of individual's psychologies, and by grounding all requirements in those psychological states (which are potentially subject to radical upheaval at any given moment), Williams avoids moralism.^{412,413}

⁴¹¹ This is a faculty of intuition because it repudiates the idea that this could be accounted for according to the structures of inference – cf. the discussion at §2.5 above.

⁴¹² On this reading of Williams, he is not a TN in the standard sense of that term because he denies that theory could ever be useful in setting our responsibilities towards others.

⁴¹³ For this reason his position is vulnerable to the complaint that it leads to scepticism about the idea of reasons for action at all, that there is no S as well as no R. One could approach this through

After establishing the sense in which there is an evasiveness latent within a position that holds to a master value which is in principle settled by theory, I will then go on to argue (§7.5) that we can deny this while resisting the inference that therefore morality is the expression of a personal project; in other words, that FNR can avoid the charge of moralism (by denying a role for theory) while denying the amalgamation of the moral and the personal.

A further challenge, which I touch on briefly at §§7.7 and 8.4, is that of showing how personal and moral value, while nevertheless having distinct sources, are interdependent. That involves showing how, for example, personal connections can animate morality (e.g. giving infidelity the significance that it has) without therefore being the source of its value. In §7.5 I will suggest that it is consistent with this view to see the scope and limits of our moral responsibilities as interdependent with our personal commitments.

7.4 DIAMOND ON MORALISM

TN insists that in order to live beyond reproach we only need make sure that our behaviour towards others is obedient to the requirements imposed or revealed by the deliverances of moral theory. They therefore invite us to see as ideal a character whose dispositions are moderated so that their commitments to others only are always consistent with morality's demands. That is what Fried insisted upon, and what (I suggested) Williams found objectionable.

The thought that a personal consideration could only be a reason to Φ so long as morality permitted it, stemmed from a conception of morality as a 'master value' – as its considerations speaking universally and with a special kind of authority. I suggested that we might conclude from Fried's case (and from others like it), firstly that morality does not always have a speaking role and secondly – more importantly – that when morality speaks against a course of action which is expressive of an individual's deepest commitments, moral considerations might lose out in an individual who we are nevertheless unwilling to dismiss as weak-willed or stupid.

I suggested that one possible answer to this objection is to broaden out one's conception of the 'master values' from 'the moral' to 'the ethical', and to allow within the latter considerations (such as the importance of personal development, an appreciation and pursuit of, art &c.) which involve features peculiar to an individual (such as that this is my

applying, to practical deliberation, the lessons of Heal, 'Back to the Rough Ground!' in J. Preston (ed.), *Wittgenstein and Reason*.

wife) to take precedence over (impersonal) moral considerations in circumstances such as those that Fried imagines.

However, insofar as the structure of the ethical remains delimited by a single 'master value', and the structure of that value (and its requirements in a given situation) are determined by theory, this view fails to accommodate the lessons of the previous case. In what follows I will discuss Hursthouse's and Korsgaard's versions of TN on which the master value is the ethical broadly construed. I will how these views fail to avoid moralism, and will explain what a non-moralistic conception of life consists in, through an elaboration of Diamond's metaphor of the self as a 'dark forest' rather than a 'planned garden'.

Both Hursthouse and Korsgaard give examples of a broadening out of the ethical in theoretical terms. Hursthouse says, in Aristotelian mode, that in a given situation one ought to act as the *phronimos* would, and that the *phronimos* will approach life's circumstances with a series of priorities which are optimally balanced in order to give them the best chance possible of flourishing. It is one's task, as a human being, to make sure that one's character conforms, so far as is practically possible, with the model laid down by the *phronimos*. That is not to say that one looks to such a model for practical guidance about how to act in a given situation, or for an answer to the question of whether a certain commitment (to this particular person, group or project) is worthwhile. Our understanding of the *phronimos* gives us an outline of a human life, which insists on the importance of different considerations (health, personal projects, wealth, virtues of character &c.) and the need for a correct balance between them. It does not, however, delimit what interests are worthwhile to pursue – so long as e.g. stamp-collecting, or love for a certain person, remains proportional to the importance which that kind of project will have for the *phronimos*, it will be up to an individual's own tastes whether they deem it worthy of pursuit.⁴¹⁴

Such an individual cannot guarantee that they will not be confronted with irresolvable dilemmas between their personal commitments. However, presuming that the virtues form a unity, they will never be faced with an irresolvable tragic dilemma (where they are trapped between two necessary but evil courses of action). There is therefore a kind of

⁴¹⁴ This may be somewhat of a simplification. Certain projects, by their nature, may be incompatible with being a *phronimos*, because their realisation is detrimental to an agent's flourishing. For Aristotle, for example, any commitment whose success was ignoble or likely to bring ridicule would *a fortiori* not be choiceworthy. But for my purposes I have read this condition as weakly as possible, making the criterion for counting as a *phronimos* being one of simply having an appropriate *balance* between the important elements of life.

security involved in life when confident that one has been made in the *phronimos*' image. However badly or well things turn out one will be able to live without reproach, for no other person will have justified grounds upon which to complain. Then, so long as an individual is confident that they have succeeded in being ideally virtuous, then whatever happens to them they can take comfort in the thought that (however painful the decisions are that they have to make) they are beyond reproach. Insofar as one has been as responsible as can reasonably be expected, a conflict of one's commitments will not entail the justified indignation of others.

An individual who makes sure that their projects are all consistent with the requirements of morality can be said to live beyond reproach, and that if they do so then however else things might go wrong for them, they will be inured from moral criticism. Furthermore, they can take a kind of solace from that fact, for in avoiding wrongdoing they have avoided doing something "as bad or worse than death".⁴¹⁵ That provides the morally ideal individual with a sense of security in so acting, since it entails that in choosing morality over immorality they are guaranteeing that they will be as happy as they can be, given the way the world is. They will therefore live without regret or self-reproach; as Kant says, they are 'sustained by an inner tranquillity'.⁴¹⁶

Similarly, Korsgaard says that:

The work of pulling ourselves... together is also the work of pulling [our parochial] identities [as mother, wife, lecturer &c.] into a single practical identity, choosing among them when we have to, deciding which is to have priority, harmonizing them when we can.⁴¹⁷

For Korsgaard to 'pull oneself together' in this way is a necessary precondition for being a free responsible agent at all. Rational agents cannot help but prioritise and harmonise their ends in this way. As the caveat "when we can" suggests, this attempt at harmonisation might not be successful, and therefore the end goal of this project, which is the uniting of these different practical identities into "a coherent whole", may not be realised. However, although certain personal conflicts may lead to irresolvable dilemmas, Korsgaard is adamant that the activity of harmonisation, as part of the activity of being practically rational, will guarantee that one's personal projects can never seriously conflict with the requirements of morality.⁴¹⁸

⁴¹⁵ Korsgaard, *Sources of Normativity* p.16

⁴¹⁶ I quote a passage in Kant where he makes that point and discuss it further at §9.3 below

⁴¹⁷ *Self-Constitution* p.126

⁴¹⁸ This is for Kantian reasons – cf. *ibid.* ch.4.

For both Korsgaard and Hursthouse there is no way to determine *a priori* what an individual's responsibilities will be in a given situation. That will depend on their own commitments, and the ways in which they decide between them – and this cannot be determined by theory alone. However, both think both that there are limits to such conflicts, and that certain of the conflicts can be settled by reference to theoretical considerations. Although a conflict between one's commitments to a nation and to a personal project may be personally irresolvable, a conflict between morality and the personal will always be settled. Furthermore, since such conflicts occur within the framework set by virtue, their consequences ought not be disastrous or unsettling for the reasonable individual.

Therefore, both thinkers share the presumption that one must, if reasonable, undertake this harmonising procedure, and that it can, in principle, be successful – there is a coherent personal identity in principle available to every human being so long as they get their balance of priorities right. Since the harmonisation of one's ends within the ethical structures delimited by theory is both necessary and desirable, a reasonable individual will always be ready to jettison the requirements of love insofar as they are inconsistent with the best arrangement for a human life.

Applying that to Fried's case, Hursthouse and Korsgaard therefore cannot escape the thought that the husband helps his wife only because so acting is permissible, i.e. consistent with their theoretical ideals.

In this way, even views which broaden out the master value remain objectionable insofar as they think that the structure and limits of our responsibilities are delimited by reference to the deliverances of an impersonal theory, what Williams would call an appeal to 'the thin, characterless agent' of moral theory which we are all imagined to instantiate.⁴¹⁹ The non-moralistic alternative is a picture of life on which there are a series of competing and incommensurate values, the recognition of which may lead to the undermining of one's sense of coherency in oneself at all, or may involve the discovery of intolerable dilemmas between equally necessary projects.

In her description of this viewpoint Diamond appeals to the image of each individual's life as a garden. In this respect, having a plan for one's life is "having a garden-plan for one's soul... there could, within one's garden-plan, be space for a certain amount of wilderness, a place where things do not grow in accordance with a plan, but spring up on their own. But a planned garden, even with some space allocated to wilderness is an altogether different

⁴¹⁹ Williams 'Persons, Character, Morality' in *ML* p.12

[thing than a] 'dark forest'."⁴²⁰ The contrast between a moralistic and a non-moralistic conception of personal relations is therefore as follows: according to the moralist, our personal lives may be messy and spontaneous to a degree according to each individual's personal preferences, but only insofar as that messiness, as these commitments and responsibilities, remain within the boundaries which morality prescribes to them. Beyond such boundaries (when the wild growing plants encroach on the neatly mowed lawn) personal relationships must give way. In that respect, our obligations to others which stem from e.g. our loves can only bind us insofar as they apply to behaviour within the space of the 'private'. And that space is delimited by the requirements of morality.

According to the non-moralist, by contrast, an individual's life is more like a 'dark forest' than a planned garden. The world imposes demands on us in a myriad of different ways, and how we conceive of these demands (whether we submit to them or not (and if so whether willingly or reluctantly) and whether we can (or do) reconcile them, cannot be legislated for. In this respect, to appeal to the deliverances of theory is not to discern a structure inherent in things as they are, but to hold up a particular pattern and to insist that individuals (either just oneself, or else everyone) conform to it. Continuing Diamond's analogy, even if excavation were to reveal the outlines of a structure underneath the surface vegetation, nothing rationally *compels* us to adhere to it.⁴²¹

Viewing one's self as a 'dark garden' means emphasising is the insecurity involved in life; the ways in which our experiences (especially our confrontations with others) can influence us in ways which cannot be foreseen and whose consequences might be radically unsettling. That prospect may be both unnerving and exhilarating. As Diamond insists, we may find ourselves breaking down under the pressures of recording (and trying to bear witness to) our experiences. In any moment (say, one of nostalgia, or awareness of some piece of "inordinate knowledge") one may be "shoulder[ed] out one's own body from its instant and heat"; incapable of going on, incapable equally of going back.⁴²² The effects of

⁴²⁰ 'Moral Differences and Distances' pp.225-226

⁴²¹ Similarly, Nietzsche repeatedly stresses the arbitrariness of claiming to discern a single nature as definitive of the human, and imposing it onto others. Cf. e.g. *The Genealogy of Morals*. The same picture of the individual subject's relation to nature underlies Hume's division between the normative and descriptive.

⁴²² The phrase "inordinate knowledge" is Cavell's; *Philosophy and Animal Life* p.106 and passim. "Shoulder[ed] out..." is originally Hughes 'Six Young Men' in *Hawk in the Rain*, but it is used by Diamond in her 'The Difficulty of Reality'. Cf. also Diamond, 'Missing the Adventure' in *TRS*; 'Morality: Differences and Distances'.

such a condition might be devastating for one's sense of the meaningfulness or tolerability of life. Through no fault of one's own everything might be ruined.⁴²³

Equally, however, a view of life as containing opportunities, responsibilities, difficulties and conflicts which cannot be foreseen and whose consequences cannot be circumscribed may lead to a sense of life as an adventure. In this way, a sense of the inexhaustibility of life's possibilities, can provide one with a powerful antidote against despair and mundanity.⁴²⁴ The sense of 'adventure' appealed to here is connected with what Rhees describes as the 'growth of understanding'; the way in which through experience and conversation we may deepen our understanding of the world and its possibilities.⁴²⁵

In this way, the move to theory to settle, in advance, our responsibilities towards the world and the ways that we will be judged for failing to living up to them is characterised by Diamond as a form of avoidance.⁴²⁶ The modulation of life through principles is not an activity of discovering a structure inherent in the world, to which one is merely receptive – it is the *imposition* onto the world of a structure against which one orients oneself.⁴²⁷ Imposing a structure onto the world in this way is not only unjustified, but is also a denial of certain of life's possibilities and the risks attendant upon them. The moralist thinks that so long as they are reasonable they can avoid certain forms of reproach – so long as they are responsible in their choice of ends, then however things have worked out, they need feel neither regret nor remorse for the consequences of their decisions. What the non-moralist emphasises is that such a position involves a form of evasiveness which is inconsistent with uninhibited personal responses to another.

The inadequacy of a moralistic account of Fried's case demonstrates that in our ordinary behaviour towards one another we do not take ourselves to be constrained by theory in that way. (Hence the persistent worry that moral theory is irrelevant to ordinary life.⁴²⁸)

⁴²³ As we will see that is what happens to Elizabeth Costello – she finds that however much she tries, she can neither bear living in a world in which meat eating is tolerated, nor give up on it. Cf. §7.5

⁴²⁴ A lesson that Diamond finds in the writings of Henry James; cf. 'Moral Differences and Distance' and *TRS* passim.

⁴²⁵ It is an open question whether these two attitudes – of the dangers of a non-moralistic conception of life, and its promises, are consistent with each other. It seems to me that a celebration of life's possibilities must be tempered by an awareness of its risks if it is to avoid evasiveness.

⁴²⁶ And cf. Cavell's talk of an analogous form of avoidance in certain responses to scepticism about other minds; e.g. *CoR* p.146.

⁴²⁷ In this way, when I say that morally good behaviour presents an individual with a novel possibility, I mean that in a sense in which that possibility might have been unavailable to the individual before their encounter with it. That is the observation that certain thoughts depend on context (including one's having had certain experiences) in order to be possible for an individual to entertain. Wittgenstein stresses this in *PI* passim.

⁴²⁸ A point made in different ways by Gaita, *GE* passim; Geuss, *Philosophy and Real Politics*.

The point is not just that this view is unjustified but that imposing this kind of structure (seeing it as constituting in principle limits to one's responsibilities) means that it cannot capture what is best in our relations towards others. Behaviour that remains at one remove from the personal is unable to minister to an individual's needs. In that morally good action may require personal connections with others, and in that these connections require being disposed, in principle at least, to set theory and principle aside, morality cannot be captured in theoretical terms.

In the next section I will develop this thought through Cavell's critique of Rawls' political and moral philosophy. This discussion draws together the themes touched upon in the foregoing sections, showing how theory cannot settle in advance our responsibilities to others.

7.5 CAVELL ON 'BEING BEYOND REPROACH'

The preceding discussions have tried to make vivid the thought that the appeal to theory to settle the limits of our responsibilities to others is in fact a form of evasion. Specifically, it constitutes an unwillingness to settle questions of the limits of the demands another makes on one through personal confrontation with them. By answering these questions via theory one need never quarrel with another – for, if one stakes one's confidence in one's behaviour in the requirements of theory (which can be written down) then so long as one takes care to act in conformity with its deliverances one may hope to avoid having to listen to appeals (either angry or heartfelt) of others.⁴²⁹ Insofar as their appeals are reasonable, they will have been required by theory. Insofar as they are unreasonable, they need not be listened to.

On the view that I defend, to the homeless person of §7.1 who asks for help, one cannot use theory (whether moral or political) to demonstrate that in this matter one is 'beyond reproach'. On the contrary, it is always a personal matter to say to another human being that their request is unreasonable (e.g. that their current situation is bearable, or is none of my business). That is not to say that it is never justifiable to ignore the claims that others make on one. Rather, it is to insist that to do so is always a personal matter, because it is to settle a confrontation between one individual and another. To claim that in so doing one is merely acting in obedience to theoretical requirements which are impersonal (after all, it is not I but God (or the world, or the sum of all rational agents) who determines the

⁴²⁹ It doesn't follow that for TNs, theory can replace experience entirely. As I suggested earlier, it is central to many forms of TN that the application of theory requires wisdom, which (plausibly speaking) one only gains through experience.

content of the ideal moral theory) is to try to disown responsibility for so acting. Much as Diamond does, Cavell tries to bring out the intolerability of this act of disowning by demonstrating the inadequacy of theory to settle moral appeals raised by competent agents.

I will approach this point through Cavell's discussion of Rawls' theory of justice.⁴³⁰ Although Rawls' theory is directed at showing how certain social arrangements and not others may be justified (and is therefore a work of political theory in the first instance), his conception of the relation of theory to questions of justice obviously has moral overtones.⁴³¹ In respect to Rawls' conception of the relation between questions of justification and the invocation of theory, there is no difference in kind between his approach and those of philosophers whose interest is with personal, by contrast to political, responsibilities.⁴³² Furthermore, Cavell's main criticisms of Rawls' approach apply to his general appeal to theory to settle questions of responsibility, and not to the distinctive aspects of Rawls' own conception of the nature of theory and its connection to 'moral intuitions'.⁴³³

Cavell suggests that we conceive of Rawls' political project as animated by the search for a way to silence the complaints of those less fortunate than ourselves.⁴³⁴ In order to do so, one is to invoke the concept of being rationally justified in one's decisions and therefore as being able to reply to another by saying 'I am above reproach' when they challenge you to justify your good fortune.⁴³⁵ One may therefore make oneself "beyond reproach" by ensuring that one acts in conformity with society's requirements (its rules), so long as those requirements are themselves consistent with the formal requirements which all just society conform to. For Rawls, this means that the arrangement of primary goods within that society must be such that anyone would consent to that arrangement were they to choose from behind a 'veil of ignorance' (i.e. unaware of what position they would hold in the actual society).⁴³⁶

The upshot of Rawls' theory is the recommendation that one settles a challenge directed against oneself by another by reference to the rules by which our obligations to other

⁴³⁰ Rawls, *A Theory of Justice* passim; Cavell, *CoR* ch.11; *CoW* ch.9

⁴³¹ This is shown by the popularity of moral theories, such as Scanlon's and Korsgaard's, that explicitly build on Rawlsian ideas.

⁴³² Insofar as such a distinction can even be stably drawn.

⁴³³ In other words, the device of 'reflective equilibrium' (cf. footnote 393 below). Cavell criticises the picture of morality as scientific investigation in *CoR* pp.256ff.

⁴³⁴ Cf. *CoW* ch.11

⁴³⁵ Cf. Cavell, *CoR* p.259; *CoW* ch.11 passim.

⁴³⁶ On the notion of primary goods, cf. *Theory of Justice* pp.54ff. On the Veil of Ignorance cf. 118ff.; On the Original Position cf. pp.15ff.

members of our society are defined. In the way that Rawls explains this procedure, it is exactly analogous to settling a dispute in baseball by reference to the rules which define it. However, to think that questions of morality (i.e. of justice) could be settled in this way involves seeing morality as analogous to an institution or game. The question is whether morality can be understood in these terms.

The disanalogy between morality and an institution is revealed in an imagined encounter with an adult who appears not to understand the nature of promise-keeping. As Cavell insists, whereas an adult American's failure to understand the rules of baseball would only be a cause for amusement and not concern, and adult's inability to understand what it is to promise to do something is not amusing but morally outrageous. The outrageousness of this prospect is not merely symptomatic of the importance which we attach to promise-keeping; it is, rather, that we do not understand how someone could have a personality and yet not know what it is to make (or break) a promise. The test of understanding a promise is not that one know a series of rules which define how one must act in given circumstances. Two observations support this contention.

First of all, any such rules will necessarily require application in a particular case (e.g. 'what counts as a bad enough circumstance to render one unable to Φ without therefore having broken one's promise to Φ ?') Secondly, one's opinion on this matter will necessarily be personal, for two individuals may disagree about the conditions under which an individual is excused from obedience to a promise without either be deficient with respect to their understanding of what promising is. (Although in extreme cases of differences of opinion a divergence may be taken to show that the other does not understand promise keeping, or has some strange concept of it.) Finally, and crucially, knowledge of rules for conditions under which one may truly speak of having promised to Φ , and of what one must therefore do, is insufficient to an understanding of the necessary importance of promise keeping – the potential significance of promises, the squalor involved in breaking them (which is not the same as the disutility of their violation), and so on. These considerations are not merely accidentally connected with what it means to promise, they are internal to it. By contrast, even in a culture in which the game of baseball is extremely (almost religiously) important, one can take up the game of baseball and be a perfectly competent (even excellent) player, without any understanding or awareness of the significance that the success or failure of one's pitching will have in the lives of the audience members.

The contrast in terms of importance demonstrates the difference between the standards of morality and those of baseball. An understanding of the former and not the latter depends on an understanding of the importance of this act in the context of the individual's life.⁴³⁷ That importance is partially constitutive of the standards of success in moral action. We could put this another way by saying that while the significance of both acts (striking out and breaking a promise) depends on context, in baseball one sets the context by creating the rules. Thus one creates players (Team A, player 1, White &c.) whose properties are given by the rules of the game and whose existence is circumscribed by the game's duration.

To think that our responsibilities to others can be settled by appeals to rules is to think of the problems that one encounters in moral contexts are not different in kind from problems in institutions or games. Thus, when one is dealing with a moral matter (e.g. whether it is appropriate for someone to feel resentment for a broken promise, and if so to what extent) to settle the question by appeal to theory is neither necessary nor uncontroversial. The activity of appealing to theory in such contexts is itself only of many possible human gestures that one might make in this circumstance. Cavell is insisting that the appropriateness of theory in such circumstances cannot be assumed but must be demonstrated. A rule can only settle a moral question with finality if it is declared that it does so. That declaration involves seeing the person who raised that query as less than competent with regards to the question at hand (whether, say, that was a violation of a promise or not, if so then how egregious it was, how they ought to respond and so on). In this way, an attempt to delimit the content of our moral rights and responsibilities via the operation of theory leads inevitably to the interpolation of theory in our responses to another. That is the same point that Williams insisted upon in his discussion of Fried's case, and that Diamond emphasised was an unjustified form of evasion of responsibility towards life.

Cavell claims therefore that "I am beyond reproach" is a morally questionable thing to say because it "suggests that the other is morally incompetent".⁴³⁸ He gives a further gloss of that as follows:

My qualm about Rawls's "above reproach" may be expressed this way: It make me the judge of my obligations, but in a way that removes me from the consequences my verdicts have upon others, as if I were acting from the recognised office or station of a judge... No office is required, or comprehensible, for my entitlement to make or to accept a promise, any more than to speak responsibly, and none I

⁴³⁷ Compare Rhees, *WPD* passim.

⁴³⁸ *CoW* p.178

occupy in general dictates for me the limits of a promise, nor shields me from the consequences of precipitousness in making a promise... or of laxness in breaking or interpreting it.⁴³⁹

Here it is useful to imagine that our society is not a perfect instantiation of the theory's requirements, for then we may see how the question 'is this good enough' may be raised and cannot be settled by the terms of the theory itself. How, in other words, does one determine whether progress towards justice is fast enough to tolerate the current levels of injustice, or whether revolution is necessary at this point? To see this as itself a pragmatic decision is already to make a moral stand on the tolerability of injustice:

[E]ven when the veil of ignorance is lifted, we still do not know what "position" we occupy in society, who we have turned out to be, what our stance is toward whatever degree of compliance with justice we have reached. To know such things is to have a perspective on our lives [...]⁴⁴⁰

So long as actual conditions are always non-ideal by relation to one's guiding theory then the question 'is this good enough?' can always intelligibly be raised.⁴⁴¹

Here one might look to the finality of the deliverances of theory in order to mark the difference with moral judgements which are (at least almost always) capable of revision in a way in which theory cannot accommodate.⁴⁴² Cavell is right to insist that moral verdicts are not settled in the way that legal verdicts or decision of sport are, by appeal to an expert or an official whose decision makes it the case that the individual is guilty, or the goal was scored (&c.). Similarly, as Gaita insists, there are no 'moral experts' whose verdicts we can rely on and whose knowledge of ethical matters of fact is better than the average person's.⁴⁴³ In this way, our confidence in a moral judgement is disanalogous to both judgements about empirical matters of fact and about socially constituted facts such as verdicts in games or institutions. Nevertheless, moral thoughts may for all that inspire absolute confidence and be in that respect final – if I am aware that what I have done was morally terrible, then I may be equally well convinced that no amount of reflection will bring me to revise that verdict.

However, although in this sense moral verdicts are not open for revision, it is internal to them that they sustain potentially unlimited reflection on their meaning and significance.

⁴³⁹*Ibid.* p.179

⁴⁴⁰*Ibid.* p.174

⁴⁴¹Cavell's argument does not depend on this assumption, however, as one can imagine that this is a perfect utopia and yet still raise the question of whether the appeals of others can ever finally and justifiably be settled by reference to a theory.

⁴⁴²The '(non-)finality' of various forms of judgements is a constant preoccupation of Cavell's, and links his discussions of epistemology with those of ethics. Cf. *CoR* passim.

⁴⁴³*GE* pp.265ff.

Unlike with legal verdicts or facts about games, settling what has happened and demarcating its significance is not just a matter of determining whether this action was right or wrong, whether it should or should not have been done. The telling and retelling of an act of moral goodness from different perspectives and with greater or lesser detail may not upset our judgement over the moral fineness or squalidness of so acting, but it can nevertheless inform the attitudes that we take towards that fineness (or squalor), and to those involved in it. Whereas an individual guilty of a crime (or having lost a game of rugby) may acknowledge and understand their legal guilt without reflecting on it at all in later life (living, indeed, in forgetfulness of it), moral guilt cannot be acknowledged in that way. (cf. ch8)

It is in this respect that moral verdicts lack a certain kind of finality that verdicts reached on the basis of theory possess.⁴⁴⁴ I speculate that this open-endedness, this possibility for reflection, is the corollary of the observation that morally good action requires personal interaction. It is a criterion of genuine personal interaction that the person with whom you are interacting will think about you when you are absent; that your life and the ways that their actions may affect it are potential subjects of reflection for them. (Not just that they would notice if you are gone, but that they would suffer from your absence; that they would think of you, that they would take a moment. And the content of that thought is important – it is not only that they would be upset by your absence for their own sake, but that they would think about how things are for you, for your sake rather than their own.)

In cases where what is at stake is not the extreme but more ordinary run of harms which may or may not be wrongs, the lack of finality in our assessment of the significance of what has happened becomes pivotal. Here the question is whether I have understood their point of view well enough to say that they have not been morally wronged in suffering this physical harm, or that they have been wronged but it is not my responsibility to rectify that. Furthermore, in breaking off conversation, in refusing to listen to their complaints, one risks wronging them.

But of course one must have some right to silence comment in this way, since one's responsibilities to listen to the complaints of others is not (and cannot be) unlimited. The crucial question for our purposes is how one makes that decision, whether it can ever be uncontroversially settled by reference to theory. Rawls says that the deliverances of ideal theory will determine when natural harms constitute moral wrongs, and, when they do,

⁴⁴⁴ Cf. Gaita, *TPD* p.92

the scope of my responsibilities to rectify those harms. Our moral responses to others will everywhere be determined by the results of our ideal theory. About that, Cavell says:

[H]ow I respond, as a [person favoured by fortune or influence] to your outburst of resentment and indignation is fateful to what I want of my society, to its democratic aspirations. To say something to the effect of “I am above reproach” is to end my relation with this other, and to that extent to injure the texture of my society. To say something to the effect of “These are frictions and fardels you just have to bear” is to claim a standing with this other sufficient to correct with finality her or his judgement of another’s situation, appropriate (non-pompous, non-presumptuous, non-dismissive, non-frigid) hence only in very particular circumstances.⁴⁴⁵

As Cavell suggests, the reason that we want to hold up theory and apply it mechanistically to the situations with which we are confronted is that in so doing we exculpate ourselves from personal confrontation with another and from the pain of having to take responsibility for dismissing their demands – from saying (without further justification) ‘not this time’, or ‘I am too busy’. The person who sees themselves as submitting themselves to the impersonal dictates of theory may avoid this confrontation by saying ‘I am just following the rules’.

If one sees one’s responses to others as settled by theory, then an individual who asks you for help which one’s best theory tells you not to give thereby asks you to make an exception to one’s rule. To this one might justifiably reply that to make an exception in this case only would be unfair on those others who abide by the rules, or that to be willing to make exceptions sets one on a slippery path which will culminate in the destruction of the rule entirely. (For rules only have any normative force because they are generally adhered to.⁴⁴⁶) But the hungry person is not asking to be an exception to any rule – rather, they are asking you, right now, for something (for some food, given without meanness of spirit, and maybe some company as well). They need not be interested in whether this should have ramifications for one’s future behaviour, or for the behaviour of others. They are interested not in mercy (the prerogative, granted to the final authority, to frustrate the operation of the legal system), but rather in being treated in a way in which questions of need are not settled by reference to the terms of theory at all.

To claim that in this context my best moral theory tells me that I do not need to help to you (and both that I am above reproach in this matter, and that it is out of my hands), is an

⁴⁴⁵CoW p.180

⁴⁴⁶ That is what distinguishes rules from trends (which have no normative import) or ‘rules of thumb’ which are defeasible guidelines. Kant makes this distinction by talking about the difference between the voices of *command* (Praecepta) and *counsel* (Consilia); *GMM* 4:418ff. A similar distinction is invoked in Thomas Pink, ‘Moral Obligation’ in *Royal Institute of Philosophy Supplement* (2004), 54 pp.159-185.

attempt to rationalise my dismissal of you, through the contention that any reasonable person would agree that I am within my rights to leave. On this view, if one is justified in not heeding the cries of the beggar, then there is no rational reason to quicken one's pace when one hurries by. (After all, their situation is nothing to do with me, or nothing I need do anything about, since I am constrained to act in accordance with morality's requirements.) In an ideal civil society no one would need to quicken their pace or to avoid others. That expresses the aspiration that so long as we have fulfilled our responsibilities to others we should be able to walk around the cities at a stately pace.

As I said before, to call this aspiration into question is not to say that the person who walks past the beggar in need is unjustified in so doing. To think that we can never escape the pleas of others would be to commit ourselves to an intolerable degree of saintliness. There must be times at which one can say 'not right now'; civil society (and thus the companionship which the homeless and hungry may yearn for) is predicated on being able to ignore certain complaints, as much as it is predicated on being able to keep people out of certain spaces and held within others. But the question is the status of this 'can', and the cost of being able to say it. It is not merely a matter of being able to steel oneself to the rejection of the other's demands. This is not stress simply that we must each individually choose the theory which we apply in our dealings with others; it is, rather, to contend that our dealings with others in these matters cannot be mediated by theory.

That shows, I think, that even in the case in which theory marries with one's immediate response to another (that saving one's wife is permissible, that helping the cyclist is necessary, &c.), a response that is predicated on its appropriateness by the lights of theory will not give the vulnerable person what they want. They crave a form of attention from another person which is neither compelled by reason nor indulged in because reason permits it.

These points are brought out in the example of the character Elizabeth Costello in Coetzee's novel of the same title.⁴⁴⁷ Costello is someone who recognises that the everyday rituals through which our lives gain meaning – notably, the rituals of hospitality – involve peremptorily closing one's eyes to the suffering of others. In order to invite someone into one's home, one must first have constructed a private space, bordered against the world and hence against the needs of the homeless. Similarly, to offer someone a meal means to have saved enough food to have a superfluity – and thus to have ignored the pleas of the

⁴⁴⁷*Elizabeth Costello*. My discussion here has been guided by Diamond 'The Difficulty of Reality' in Cavell, Diamond et al., *Philosophy and Animal Life*; Gaita TPD pp.106ff; Mulhall, *The Wounded Animal*.

hungry. For Costello, what is worst in these rituals is the suffering of the animals upon which the conventions of breaking bread tend to depend.⁴⁴⁸ We offer each other meat as a sign of friendship, and, in taking it, thereby take pleasure in the end-product of (and the evidence of) the suffering of the animals whose bodies we consume. Since we all are surely aware of the fact that we are eating flesh that was made to suffer (for no other purpose than for the pleasure that we now take in it), the rituals of companionship seem to invite collusion with the infliction, on an industrial scale, of suffering and death on animals.

The effect of this knowledge on Costello is unhinging. As she puts it:

I no longer know where I am. I seem to move around perfectly easily among people, to have perfectly normal relations with them. Is it possible, I ask myself, that all of them are participating in a crime of stupefying proportions? Am I fantasising it all? I must be mad!⁴⁴⁹

The difficulty for her is that life inescapably and painfully involves compromise, since collusion in the practices of animal farming (and, more broadly, in practices that depend on the suffering of others) is unavoidable. She wears leather shoes; she visits her children and grandchildren and tolerates their meat-eating. Furthermore, it is unclear whether she could, in good conscience, advocate the abandonment of those social arrangements which depend on ignoring or inflicting suffering on others, for one might justifiably feel that widespread saintliness of this degree would (even if possible) mean abandoning those parts of our nature which make us human. Meaning in life depends on kindness, “human kindness”⁴⁵⁰, which in turn requires a form of attention on which others are made or left to suffer. What unhinges Costello is her awareness at once of the necessity and inescapability of the rituals which give life meaning, and yet simultaneously her sense of the intolerability of the consequences of these rituals (the suffering that they both tolerate and cause).

Costello’s condition is not brought about by moral theory (of which she has none), but rather by her perception of the suffering of animals. How, then, could theory satisfy her, cure her of her disorientation? As Diamond suggests, her maddening sense of the reality of the pain of the wounded animal is not something which theoretical considerations could

⁴⁴⁸ I say ‘tend to’ because of course one can break bread with another without eating meat, even though it is highly unusual in modern society to do so. Oftentimes, for fear of offending their guests, vegetarians will offer meat options so that non-vegetarians are not compelled to go without meat for that meal. That suggests something of an ingrained cultural expectation that meat will be provided.

⁴⁴⁹ Coetzee, *The Lives of Animals* sp.69

⁴⁵⁰ And here note the pun. Coetzee suggests that kindness is constitutive of our nature, of what it means to be a member of mankind. But at the same time he notes that this kindness inescapably involves cruelty and partiality.

touch. Of course, one cannot say (straightforwardly) that only someone who responds as Costello does fully understands what it means for animals to suffer. On the other hand, nor can one simply dismiss her as hysterical.⁴⁵¹

What Cavell and Diamond suggest, and what Costello makes vivid, is that in confronting the claims of others, and deciding how we are to settle them (whether they are to be dismissed or ignored, or how much time and effort will be expended on them, &c.), we run the risks of finding ourselves in the position in which Costello finds herself – disoriented and lost. There is no way to avoid the responsibility of coming to understand, through an imaginative awareness of the consequences of our actions on others, the meaning of what we do or fail to do, of what we tolerate, of what is done on our behalf, and so on.

The contrapositive of the dismissal ‘sorry not this time’, said to the beggar on the side of the road, is the claim that I personally am above reproach for my ethically suspect deeds on the grounds that ‘it’s a terrible job but someone has got to do it’. The former is an expression of the thought that I don’t have to help always and so won’t help this time, the latter the thought that someone has to do this and so I will. In both cases, this form of words is designed to exculpate one from the moral consequences of so acting, by claiming that the decision is made on the grounds of the requirements of theory. Even if it is not required by theory, but is chosen, the choice is inevitable – for one must dismiss others on some occasions (if it is required that one sometimes refuse to help others), and someone must choose to do this job, if it must be done.⁴⁵² I take Cavell’s point to be the insistence that the fact that our choice can be represented as the outcome of theory in this way, nevertheless this cannot inure the individual who so acts from the responsibility (in principle indefinite and inexhaustible) of defending themselves for having so acted. The choices that we make may mark us in ways for which we cannot legislate.⁴⁵³

7.6 THE NATURALISATION OF JUSTIFICATION

The upshot of the examples of §§7.1ff is the idea of the inadequacy and infelicity of theory; it is inadequate insofar as it seeks everywhere to delimit the scope of our responsibilities

⁴⁵¹ On the status of this ‘can’ cf. §2.7

⁴⁵² Kant acknowledges that certain imperfect duties must be postponed, for pragmatic reasons. Cf. *GMM* 4:399 where he claims that securing happiness (which may involve inattentiveness to certain demands others make on us) is a duty.

⁴⁵³ For a representation of the logic that ‘it is a tough but necessary job’ one might think of the actions of Holly Martins in *The Third Man*, when he chooses to betray his long-time friend Harry Lime to the police. Although doing so was (arguably) both necessary and justifiable, he may nevertheless still feel the justifiable resentment of Harry and their mutual lover, Anna Schmidt; resentment he may never satisfactorily answer. In this way, the consequence of morally necessary action may be the permanent disquieting of one’s conscience.

to others, and it is infelicitous insofar as it seeks to interpolate itself between the individual and the subject to whom she responds. I have argued that in virtue of *determining* and not merely *describing* the scope and limits of our responsibilities to others moral theory necessarily takes itself to stand between an individual and their response. In this section I argue that a consequence of seeing our lives as not everywhere bordered by theory is that one's conception of what it is to be justified with respect to one's decisions changes. To *naturalise* (or *humanise*) the concept of justification means to see how being justified is a matter of being able to defend oneself and one's actions in the face of confrontation with other human beings. Justification is not a matter merely of ensuring that one's behaviour is satisfactory by the lights of theory (which is abstract). Matching one's behaviour to the deliverances of a theory could in principle be done without attending at all to the complaints of others, without listening or facing up to those who are affected by one's actions. By contrast, in humanised justification, to be justified is to be able to face those who have been affected by one's actions, to present and endorse one's reasons for having acted as one did. After describing the naturalisation of justification I describe how Williams avoids the charge of moralism, in preparation for considering (in §7.7) FNR's account of moral deeds from the point of view of the second person.

According to TN, the justifiability of any given action is settled by its standing relative to theory. Moral theory applies with universal scope to all possible intentional actions; for each possible action, the theory will return a verdict (either permissible, forbidden or required). On that view, so long as we have enough information about the husband's situation we can determine whether he acted rightly in doing what he did. In that respect all non-repeatable elements of his situation drop out of consideration. If we don't ask him to rehearse those considerations, that is for reasons incidental to the fact of whether he was right in so acting. Essentially, only norms of politeness will prevent the question of the justifiability of his saving his wife being raised; the question itself is perfectly well-formed, and our moral theory will give a determinate answer to it, as to any other option available to him.

Since on this view the way the action presents itself in experience is relevant to the assessment of the action only insofar as it provides information relevant to determining its justifiability, there is no principled asymmetry between first and third personal moral

judgements, between 'I must Φ ' and 'MWC must Φ '.⁴⁵⁴ For this reason, the husband could conceivably put his trust in a moral philosopher to come up with a defence for his behaviour after the fact, and (given that such a philosopher has sufficient information about the case) there is nothing improper in that. The mere fact of our difference of position relative to him in respect to the action (*viz.*, that it was *his* wife, *his* choice) is no barrier to our determining the justifiability or otherwise of his action.

Opposed to this view is a picture of moral thinking as essentially personal. As Gaita observes, it would be a parody of ethical deliberation to delegate thinking about one's problems to a third party, e.g. by saying to a philosopher 'I am faced with a moral dilemma, please come up with a solution for me by Monday morning'.⁴⁵⁵ It is interesting to think why this should be.

One possible explanation goes through the way in which moral thinking is both informed by, and informs in turn, one's unique perspective on life. Through the activity of weighing up the considerations for and against a certain course of action, one determines what is necessary and what impossible for oneself. (As on the deliberative model in §5.41.) Although this involves considering objective features of the situation which reasonable individuals will recognise as being relevant and having a certain degree of importance, it is no more an impersonal activity of reading verdicts off of circumstances than is the activity of determining whether and how far one regrets some elements of one's past.⁴⁵⁶ (We may talk of discovery here, but not in a sense in which that implies that the activity of deliberation is independent of the conclusions that we reach.⁴⁵⁷)

An alternative explanation for the personal nature of moral justification stresses the role that the act of justifying oneself plays in one's relationships to others. This begins with the observation that it is through asking for (and either receiving, or failing to receive) a justification for some action which has brought one harm or inconvenience, that one clarifies one's standing with respect to another person. What behaviour of others I take to stand in need of justification, when I consider myself within my rights to ask for such justification, and what will satisfy me as a justification, all go in to determining my conception of society (in the broadest sense) and what I expect from it. That means that

⁴⁵⁴ The only difference being that the former imputes agency. For a Kantian there is a difference in that the way we get to norms is procedural and therefore necessarily first personal. But that does not capture the difference that I want to insist on here.

⁴⁵⁵ *GE* p.103

⁴⁵⁶ Foot's example of clapping three times (cf. p.84 above) is an instance of someone who takes a consideration to be relevant and important which we cannot, on the face of it, understand as relevant at all.

⁴⁵⁷ Cf. Gaita, *GE* ch.7; Rhees, *Without Answers* p.175.

what calls for comment, and what constitutes a satisfactory rejoinder, is a personal matter.⁴⁵⁸

However, while the second-person uses of the language of justification express an individual's expectations for society in general, it should be stressed that the activity of justifying oneself, or calling on another to justify themselves to one, may be driven by personal need. It is because it does so that the *act* itself is so important – not only that someone *would* justify themselves if given the chance, but that they *have* justified themselves.⁴⁵⁹ What does the act itself add to the propensity to justify?

I think the best answer to that question will connect justification to the concept of recognition that was discussed in §7.1. In justifying oneself to another one thereby acknowledges them as having a distinct perspective, and gaining a degree of authority as a product of that. The question then is: what makes this a genuine form of acknowledgement of the distinctness of the other's perspective? I'd suggest that for this acknowledgement to be more than merely symbolic (paying the other lip-service, being polite enough to spend the time on them to rehearse these considerations), one must accept the possibility that one's justification might be overturned by the other's objections. This possibility involves committing oneself to the prospect that another person has the ability to challenge or even refuse one's justification for having Φ 'd, when Φ -ing is, by one's own lights, perfectly justified.

One corollary of this is the assertion that the right to challenge others to defend their behaviour is something that must be earned; thus, one cannot take for granted an answer to the question of 'who speaks, with what right, to whom?' In Fried's case; absent special circumstances, it would be not merely *impolite* but *inappropriate* for a third party to challenge the husband to offer a justification for having done what he did, or to refuse to accept the husband's own explanation of his decision. That suggests, further, that the activity of justification is not one of checking that one's behaviour matches up to impersonal and abstract standards, but rather that one be able to silence whatever complaints others might raise, that one be able to 'stand behind' one's actions. Unlike with conformity to the deliverances of a theory, both the form of such challenges and the conditions under which they are satisfactorily answered (e.g. 'how could you do that to

⁴⁵⁸To represent a divergence between two individuals on this matter as one of a difference in their theories of the ideal arrangement of society presumes that our 'pre-theoretical intuitions' are best understood as proto-theoretical.

⁴⁵⁹ Compare this to the puzzlement felt over the need for an actual act of consent in the legitimisation of the State's authority – cf. footnote 498.

me?’ ‘what was so important that you had to miss it?’ ‘how could you forget?’ &c.) vary by individual and context.

Of course, if the foregoing discussion is to be accepted, then we should not expect a specification in theoretical terms of this variance, of the scope of our entitlements to challenge others and to accept or reject their explanations or exculpations for what they did. One is more answerable to those who are more closely affected by one’s decision, and although the need to answer to them is greater, the chance of finding satisfactory terms on which to give an answer is slimmer. The variation and indeterminacy of one’s answerability to others is one species of the necessary indeterminacy of personal relationships.

I take the same point to be latent in Williams’ discussion of the case of Gauguin, when in a footnote to that paper he says that should Gauguin leave he might never be able to answer his wife to her ‘satisfaction’. The question is what Williams might mean by ‘satisfaction’ here. How are we to understand Gauguin’s wife, and her complaint? Is she a reasonable woman? We have no reason to doubt that she is. If so then she will surely be satisfied with Gauguin’s justification, if his explanation for having to leave is a good one. (Perhaps it will be hard for her to accept, but in time she will come to recognise its validity.) If, however, her eventual agreement cannot be presumed, in fact however successful he is, whatever he says to her, she will not be satisfied, then either her excellence is called into question or else here we have an irresolvable conflict between two equally valid and incommensurate perspectives on his action. I think we cannot call his wife’s excellence into question, and that therefore his wife’s refusal to be satisfied with his justification shows us something of the possibilities of moral conflict. Indeed, part of the reason that we appeal to Gauguin’s leaving as necessitated is to emphasise that in leaving he is acting unjustifiably but without thereby calling his excellence into question.⁴⁶⁰⁴⁶¹

However, it is not as if in so acting one is in no way answerable for one’s behaviour; both the legal authorities (in an official capacity) and the family of the drowned man (personally) may challenge the man’s decision to save his wife. One might therefore take this case to introduce a concept of justification as an *activity* that involves defending one’s behaviour against challenge from others. For this reason, after claiming that Fried’s case reminds us that “some situations lie beyond justifications” (ibid) he goes on to qualify

⁴⁶⁰ This is also revealed in the fact that in defence of leaving there may be nothing more that Gauguin can say except that he had to go. That is just how things were for him.

⁴⁶¹ That too is implicit in the way that what is important for him is not whether his project fails but whether *he* fails.

“...[but] it depends on how much weight is carried by 'justification'⁴⁶²: the consideration that it was his wife is certainly, for instance, an explanation which should silence comment”.⁴⁶³

The conclusion that I want to take from consideration of these cases is that, if an action's being justified is understood to mean it being in accordance with the deliverances of a theory which determine right and wrong for actions of its type, then there are certain actions – those which are expressive of our commitments to other people – which stand outside of the remit of justification. If, on the other hand, we broaden (as I think we should) the notion of being justified in one's action to mean being able to answer one's critics (where the terms which constitute an appropriate answer are left (as yet) undetermined) then to say that a decision is justified is to declare one's confidence that one can answer all legitimate challenges to account for what one has done. And this in turn means that one must be willing to listen to these challenges, to engage with them and be willing to be shown to be wrong. In this way, to stake oneself to this course of action is necessarily a personal gesture.

As we have seen, Williams avoids moralism by keeping 'the ethical' as a master value, but making the determination of its content a personal matter throughout. Every normative requirement upon an agent is determined by some element of that individual's S. Furthermore, there is no essential structure to such subjective motivational sets, which would allow us to make general claims about what is and isn't best for an individual to do in a given situation. Since the constituents of an individual's S are constantly changing (involving, as they do, unstable elements such as desires and projects as well as the more stable but still malleable categories such as values) there is no a reliable a priori characterisation of what is best for an individual in some imagined circumstances. The very act of thinking through one's responsibilities in certain conditions may itself change the arrangement of one's S and therefore may make a certain course of action change its normative standing – e.g. to go from being necessary to being impossible (or from being the best option to being merely one good option of many, &c.).

Williams describes blame as a “proleptic mechanism” which functions by treating people who do not care about a certain outcome (e.g. who see nothing morally objectionable in lying) *as if* they cared about it, in order to try to make them into the kind of person who cares about this sort of thing. Generalising this picture, we could describe other reactive

⁴⁶² In this qualification, Williams too displays an awareness of the brittleness of the concept of the 'justifiable'

⁴⁶³ Though the weight carried by this 'should' is very interesting.

attitudes, whether first- or second- person, as analogous mechanisms for providing stability and consistency amongst one's ends. (In §3.43 I suggested that regret plays this function, and similar claims can be made for e.g. hope, expectation, fear &c.⁴⁶⁴) However, these mechanisms are not always effective. If I expect to Φ and tell you as much, then, if my expectation weighs heavily with you it will be true that you ought to Φ . But, in the context of your desires and interests, my expectation might be of insufficient weight. In that case, the claim that you ought to Φ remains up in the air. But my expectation might be a product of having discovered that our best moral theory requires that in circumstances such as yours, an individual Φ . That there is no guarantee that therefore you ought to Φ , and that there is no way of settling beforehand what in fact an individual has most reason to do, reveals, as Diamond suggests, a necessary unpredictability in the self and its responsibilities.

This solution captures the intuitive thought that (in Fried's case) the husband saved his wife *because he cares about her*, not *because he cares about her and is allowed to*. However, it has the consequence that whenever one acts morally, one does so only because (at least under some description) one cares to. But the assertion that moral requirements are different in kind from personal projects is in large part animated by the thought that moral considerations are not contingent on an individual's desires in that way. The question then is whether it is possible to give a non-moralistic form of naturalism which can avoid the conclusion that morality is one project (or interest) that we have amongst many. In the next chapter I will suggest that FNR provides just such a form of naturalism.

7.7 FAMILIARITY & OTHERNESS

In this section I return to a discussion of what made Mary's act of helping so exceptional, in order to tease out some of the analogies and disanalogies between her compassionate response to the cyclist's need and the husband's instinctive helping of his drowning wife in Fried's case. They are closest to one another in respect of the way that, given their backgrounds, the presence of the other in need of help is alone sufficient to move them to act. Of course, where they differ is in the difference in shared backgrounds. Whereas the husband and wife are bound together by bonds of shared experience and mutual vows, Mary is not connected to the cyclist in anything like the same way. What is so exceptional about Mary's response is that when one looks to the common ground between her and the cyclist one finds nothing but the bare fact of their common humanity; neither agreements,

⁴⁶⁴ Cf. Hume's explanation of marriage for a similar proposal; 'Of Polygamy and Divorces' in *Essays: Moral, Political, and Literary*.

nor shared experiences, nor principles need bind her to the cyclist in order for her to find helping necessary.⁴⁶⁵

One way of characterising the goodness of Mary's deed is to say that she behaved as one would towards a friend. If it is one's friend hurt on the roadside then there is no question of walking on past; one will stop to help without hesitation.⁴⁶⁶ But more importantly than whether or not one stops is the fact that given that it is your friend it changes how one might think of the case and how one may be called to respond for what one has done.⁴⁶⁷ To leave would be to act in a way that undermines or damages the friendship, to respond in a way that inflicts a further harm on the individual (who was not only hurt but abandoned as well) and to create a burden of answerability in the future ('how could you treat me that way?').⁴⁶⁸

It is characteristic of friendship that a friend can provide to another something that a stranger cannot – i.e. if I am with a friend then I am not alone. And this is something that medical personnel cannot (simply *qua* medical personnel) provide.⁴⁶⁹ In this way, the familiar makes you vulnerable to betrayals which go beyond natural harms, but it also means that you can enjoy things that go beyond natural goods.⁴⁷⁰

How, though, is Mary capable of responding with familiarity, with behaviour that we would naturally recognise in the behaviour of a friend, but without the shared history upon which friendship is based? Familiarity is born of shared experience, and is nourished by it. Often this difference comes out only in the smallest of gestures and aspects of one's

⁴⁶⁵ Compare Gaita, *ACH* pp.273ff.

⁴⁶⁶ Or, if one hesitates it is to weigh up the best way to help – not over whether this person is a fitting or necessary object of help.

⁴⁶⁷ This is so whether or not one has previously agreed that 'in circumstances such as this, one leave me be'. (Cf. the previous footnote.) Someone who, knowing this, still hesitates at their friend's side is not thereby irrational or weak-willed. I think the sense of tension here, the contradiction between this behaviour and the relationship (thus past and future shared experiences) is *sui generis*. But I do not have space to discuss this further here.

⁴⁶⁸ In this context it is important to note that it is not merely that the individual suffers that is important here, but that the suffering counts as a wrong, and that this wrong is something that the individual has a responsibility to try to alleviate.

⁴⁶⁹ Of course, they are human beings as well, and their need for professional detachment may sometimes stand in tension with their human impulse to offer the other company. On which cf. A. Campbell, *Paid To Care?*

⁴⁷⁰ Equally, it can inure one from harms – not only in the thought 'so long as I have her then everything will be alright', but also, and more radically, in the idea that one will tolerate being betrayed, and having all of one's plans brought to ruin, so long as it is her betraying me, and so long as that betrayal is necessary for her own success. That is a peculiarly puzzling thought; it is born of a love which is a selfless devotion to the success of the other at the expense of one's own interests. (An example of that is the killing of Forest Whittaker's nameless assassin in the film *Ghost Dog*, I suppose – though the relationship between a samurai and his master (as described in the *Hagakure*) is a special kind of familial tie.

demeanour.⁴⁷¹ How is she able to provide a *stranger* with that sort of companionship (and not merely, say, the camaraderie that one citizen might offer to another)? Here it is hard to know quite what to appeal to as making the difference. It is not different in kind from the amazement one may feel when seeing someone able to 'get on' freely with others, without being stilted, or timid, or arrogant.

An answer to these questions can hardly be expected to come from philosophy, which at best can only bear witness to exceptional deeds.⁴⁷² What is important for us is that familiarity makes individuals act in ways that are (or at least appear to be) contrary to reason.⁴⁷³ It therefore imparts to human life considerations which frustrate the logic of purpose without undermining the excellence of the individual who so acts. This is a common literary trope.⁴⁷⁴ Consider in this respect the following two passages:

And [the Lord] said 'Escape for thy
life; look not behind thee, neither
stay thou in all the plain; escape to the
mountain, lest thou be consumed[...]
But his wife looked back from behind
him...⁴⁷⁵

Let us be gone! But, oh!
permit me first to take a last
farewell of my poor hut,
where I so long have lived...⁴⁷⁶

For both Lot's wife and for Philoctetes, the act of return runs contrary to the demands of prudence. It holds no promise of any tangible benefit and risks losses which will undermine their very chance of happiness. Nevertheless, they feel compelled to attend, at least once more, to their homes – even though doing so is (as it were) 'against their better

⁴⁷¹ These are elements of the subject's posture which are often irrelevant when one is considering their behaviour in functional terms. Thus, whether I behave with distance or warmth in achieving my goal is irrelevant to my effectiveness in that respect, unless the ends are stated so nebulously (e.g. 'being there for another', 'being friendly') that success can only be determined by reflection which involves considerations (to do with the spirit of the action and the demeanour of the individual) which are incidental to purpose.

⁴⁷² In that respect cf. Gaita, *GE* Preface; Kant *GMM* I. Neither try to describe or explain their sense of the behaviour that was good in terms that must make it intelligible for those who have had no prior experience of it. Cavell perhaps hints at the same point when he quotes Yeats "one can but bear witness less to convince him who won't believe than to protect him who does..." (CoR p.327) Cf. also CoR p.496 on the claim that philosophy might have to become literature to achieve its purposes.

⁴⁷³ The caveat 'appears to' acknowledges that someone with a sufficiently liberal conception of the reasonable can describe any behaviour as reasonable. What I have tried to suggest is that we take the appearances seriously here – that we not think of moral responses as reasonable. Anyway, we do not need to do so in order to understand their fineness. Another way to put that is to say that the question 'what does the suffering of another rationally require of me?' is an unhelpful place to start an investigation into the nature of morality.

⁴⁷⁴ For one example (of many possible) of that in Gothic, cf. Yoshimi Matsubara's fatal decision to return home in the film *Dark Water*. Of course, the Gothic both invokes that logic of the homely and subverts it – in confrontation with evil our home becomes uncanny – at once familiar to us and at the same time, somehow, not quite right.

⁴⁷⁵ *Genesis* 19:17-26

⁴⁷⁶ *Philoctetes* p.93

judgement'. That shows something of what it is to have a home, I think – as to have a family. These are places and people to which and to whom one is connected by bonds of meaning. That relation is such that, either in deference to the familiar or in repudiation of it (as in letting go of a home rather than simply leaving it for a time) one's behaviour may require the frustration of the logic of purpose.⁴⁷⁷

Thus, although Mary's response to the cyclist may be the sensible thing to do, we can understand circumstances in which her responding as she did would be at once unreasonable and yet nevertheless still exemplary – if, say, there is nothing that she can do for the cyclist (who will die anyway), and great danger in staying, but she nevertheless refuses to leave him.⁴⁷⁸

But of course the man is not Mary's friend; she does not even know him. Is she saying that all human beings, by virtue of being capable of being someone's friend, therefore warrant this kind of treatment? That is too strong – for no one *deserves* to be the friend of another, and no one can insist on it. Furthermore, it is inconceivable that one could behave towards *all* others as your friends, for friendship (like all kinds of love) involves a kind of attention which is focussed on a given individual and so not on others.⁴⁷⁹ (It is therefore implicitly, but not explicitly, an exclusionary gesture.) But, rather than talk of warrant here, we may say: her response shows how it is possible to see a stranger as a friend and the fineness of responses in which this is done.⁴⁸⁰ Thus, the fact of the cyclist's humanity relates to the familiarity of Mary's response in the following way: it is because of her sense of the cyclist as a fellow human being that she can respond to him with accents of friendship, and, at the same time, the possibility of treating even a stranger in this way reveals something of what it may mean to be human.⁴⁸¹

Correspondingly, even if Mark could be blamed for walking past, that blame would not give a characterisation of the wrong that he had inflicted if it remained an appeal to one's duties or obligations. That is because the worth of helping the wounded cyclist is a product

⁴⁷⁷ For Costello (and compare Lurie in Coetzee's *Disgrace*), what causes the unhinging madness is the thought that the rituals of hospitality, which make humanity possible are built on foundations of suffering.

⁴⁷⁸ One might think in this respect of our attitudes to relationships where these responses are suspended or altered – as in cases of mountaineers or soldiers. Gaita discusses this at *TPD* pp.73ff. I would say that in such circumstances we see a conflict between the demands imposed on an individual by their role in the partnership (agreed on beforehand – e.g. 'if I am hurt and can't be helped, leave me here to die') and a natural demand of friendship.

⁴⁷⁹ On universalisability in this context, cf. Winch, 'The Universalisability of Moral Judgements' in *TMS*.

⁴⁸⁰ On aspect-seeing in this context cf. the references at footnote 90 above.

⁴⁸¹ I have discussed the first half of this interdependence in this chapter; I discuss the second half in greater detail in ch.8 below.

of the vulnerability that the cyclist feels, and the concomitant loneliness that comes from a sense of one's abandonment by other human beings. This sense of abandonment is obscured by talk of duties and obligations, for this language is designed solely with the aim of imposing unconditional demands on individuals; demands that may be understood without any recognition of their animus, in other words of the needs that they were brought about to serve.

Simone Weil makes this point when she says that a woman who is being dragged into a brothel will not complain about the violation of her rights.⁴⁸² She observes that the language of what one has a right to (and therefore what others have duties to refrain from) is inadequate to a characterisation of the wrong that she has suffered. The woman who is being dragged away appeals desperately for the brothel owner to see what he (or she) is doing in violating her in this way. That appeal – a wordless cry that expresses the terror of a violation of one's self – can only be understood by someone who can hear in it a confrontation with a human being whose life is full of value and meaning just as their own is. To a person deaf to that possibility the scream is little more than the distinctive cries of the human animal.⁴⁸³ To a person who hears in the screams the painful reality of the woman's deprivation, there is no need to make further appeal to the language of rights or duties. That intellectual framework for modulating our behaviour towards others is, in such a context, merely a distraction.

Considerations of this sort explain both the contention that the personal is a model for (certain instances of) the moral, and the claim that the personal is not to be accommodated in terms of the deliverances of theory.

Stressing the presence of the other as the source of moral requirements allows us to capture these elements of morality. By emphasising that morality is a personal relation between two individuals, FNR accommodates the thought that moral responses involve the repudiation of theory.

In that respect, there is a connection here between what is necessary, what is morally required (a personal connection) and the denial of theory. The human enters in this case as the lynchpin of the fineness of our response – it is because of my sense of them as human, and myself as human, that I find that I must respond in this way. It is only because

⁴⁸² 'Human Personality' in *Anthology* p.83

⁴⁸³ Cf. Gaita, *GE* Afterword; *ACH* pp.57-75, 259-85.

my response is born of that sense that it can achieve its ends, that it can be a source of hope for the individual.⁴⁸⁴

The upshot of this chapter is the following: from the point of view of the recipient of moral goodness, their confidence in the fineness of the help that they received and the fact that it is not something to be resented is a product of the fact that the relationship that they received was not moderated by the presence of theory. The connection between another human being which sets apart the fineness of (at least some) instances of morally good action is such that it involves an in principle willingness to repudiate the deliverances of theory. The person who helped them would be willing to heed their cries even if so doing were unjustified or unreasonable. In recognition or confrontation with another one gains more than just confirmation or disconfirmation of a principle, satisfaction or frustration of an end. One gains shared experiences, and, from these, the possibility that in future one might be moved to think or act in certain ways that are orthogonal or even inimical to one's own ends.

According to TN, the inescapability of instances of moral behaviour as an exemplar for a given individual is contingent on that individual sharing the same nature as that individual who acted morally well. It is only those who are appropriately constituted that are answerable to moral requirements. Just what property an individual must possess in order to be answerable to these standards depends on one's form of TN. It varies with the varying levels of empirical detail needed to establish the operation of a moral norm, along the lines of the distinction on p.106 above. However, for rationalists our answerability to this standard is in part an empirical thesis and it is possible to discover, through self-examination, that one's nature diverges so far from what is typical that in fact one is not bound by these norms. In that way, an individual's confidence in the justness of their appeal to another must be contingent on their confidence in their entitlement being borne out by completed moral theory.

By contrast, FNR does not ground the inescapability in any feature of the agent which could be discerned or undermined through introspection. Insofar as it is intelligible that one might react as that individual did (insofar, that is, as their reaction was recognisably human) it may present itself as an inescapable standard on one's behaviour. In moral

⁴⁸⁴Here I talk of 'achieving its ends' in the same way that Kant talks about moral actions gaining a further end which they then achieve, not that this relegates us to the logic of the purposive again. (The notion of a further end to action is implicit in the contrast between actions done in conformity with duty and those done out of it in *GMM* II.)

cases, there is no inevitability that a rational individual will see it as such a standard, and if they do not then self-examination will not demonstrate to them the folly of their ways, because this behaviour is not grounded in purpose in this way. (The absence of inevitability in the acceptance of moral standards was the upshot of §2.7 above.) However, if this response *does* strike them as fine then it provides that individual with a possible mode of responding to which (absent exculpation) they must conform themselves. The demeanour of the virtuous provides them with an example of a response which before they might have been unaware existed as a possibility for human behaviour (as if one were to remark, after e.g. reading Simone Weil's journals: 'it never occurred to me that someone could respond to another's misfortune in that way'). Since it is possible for them to respond in that way, and since they acknowledge the fineness of that response, they cannot hope to escape from answerability to it through self-examination.

The response of an individual whose behaviour is motivated by reference to theory is inadequately attentive to the particular reality of the suffering individual with whom they are confronted. They are, rather, interested with that individual only insofar as they fall under a type. That means that they cannot give the individual what they so desperately crave, which is recognition from another. This recognition excludes the following thought: 'the ways that you will affect me later, the ways and times that I will think about this event, are delimited by theory'.⁴⁸⁵ In this way, the insufficiency of theory demonstrates that appealing to it as sufficient involves an evasion of the responsibility to confront others, as one human being to another; the willingness that is, to be unsettled by them.

It might be that through the construction of a theory one might be able to design a decision-procedure for morality which can tell an individual just how they ought to act (or think or feel) in any given situation. However, one does not become a morally good person merely through avoiding acts of wrongdoing. Just as important is one's attitude to the possibility of becoming a wrongdoer, i.e. the reason that you avoid it. As we will see, to ground moral requirements in the deliverances of the other is to explain the avoidance of wrongdoing in terms of what it *means* to wrong another person; specifically, that it makes

⁴⁸⁵ Another way to explain what is wrong with an intellectualist picture of our relations to others (one that would mediate such responses through judgement, and make judgement answerable to theory) is to consider the hesitation and embarrassment that can follow having a chat/email conversation and then meeting that person in real life – what is uncertain, if the conversation was clear and ambiguous? Perhaps: how one goes on from here, i.e. both how it will be taken and how it will affect the accents of our responses to each other. Email is a form of communication in which possibilities are circumscribed and things are easier. That makes it easier to say things that one couldn't say face to face. But if one says things in that medium, then *how will it be* when one comes face to face with that person? The possibilities for communication are freed from the fact that shared experience does not affect what can be said to another online, in the same way as it does face to face. One cannot *share a moment* in online chat.

one vulnerable to the lessons learned in remorse. Here I have talked about the infelicity of theory as a way of satisfying the needs of others. In the next chapter I talk about the relation between TN and one's sense of the importance of moral wrongdoing.

8 REMORSE & FORGIVENESS

...youth is cruel, and has no remorse And
smiles at situations which it cannot see.
- T.S. Eliot, *Portrait of a Lady*

In this chapter I discuss the concepts of remorse and forgiveness. Drawing on Gaita's explication of these concepts, I argue that when correctly understood these concepts demonstrate the inadequacy of TN. I explain remorse and forgiveness (§8.1), and argue that they are different in kind from internally constituted limits such as regret (§8.2). I discuss the way in which theoretical accounts of morality necessarily distort our sense of what is significant in wrongdoing, and therefore cannot understand the attitudes towards it which are taken by individuals. (§8.3) I go on to consider and reject an imagined response in defence of TN. (§8.31) I then generalise the lessons from §8.1ff, applying them to TN's account of an individual's relationship to their past. (§8.4)

8.1 'WHAT HAVE I DONE?'

Earlier I said that part of the distinctiveness of morality consists in the peculiar importance of its considerations. I suggested that we should account for that by looking at the difference in our retrospective attitudes towards failure in moral and personal cases, and gave some indications of how one might distinguish remorse from regret. (§3.3) I now return to the concept of remorse, to show its distinctive features demonstrate the special importance of morality in the lives of morally lucid individuals, and reveal the inadequacy of TN. In §8.5 I consider the relations between 'the other' and the feeling of remorse, and argue that FNR can accommodate the attitudes of the remorseful.

As Gaita urges, accounts of morality need to be able to give an account of the phenomenon of remorse without straying into parody. Reflection on that concept serves two purposes. In metaethics it reveals the insufficiency of theoretical accounts of wrongdoing by demonstrating the inability of theorists to give a characterisation of wrongdoing on which the remorseful perpetrator's attention is appropriately directed at the particular individual who they have wronged. In its first order use, remorse gives us a sense of the value of those individuals, and points towards, though does not determine, what might constitute an acknowledgement of that value. It impels one to respond to the presence of

another human being and to mark the depth of their influence on oneself.⁴⁸⁶ In this section, I will give the beginnings of an explication of the concept of remorse. I then use that concept to cast further doubt on the appositeness of theoretical groundings for moral necessities in §8.3ff.

Gaita invites us to imagine a case of a man, called N, whose “route home from work takes him past destitute homeless people sleeping in the doorways of shops. They are not young homeless, but old, ruined by drink, unable ever to get a job, without family and friends. If any of them were to die, no one would care”. Now, suppose that “one of the homeless people asks N for money, abuses him when he refuses to give it, and stands aggressively in his path. In a fit of temper N pushes him aside, off the kerb and, unintentionally, into the path of an oncoming car. The beggar is killed.”⁴⁸⁷

As Gaita notes, there are many different ways in which N might respond to what he has done. One of those ways is to be haunted by remorse for having wronged another. This feeling is both uncomfortable and (at least apparently) revealing:

Pained bewilderment is the most natural expression of remorse. ‘What have I done? How could I have done it?’ These questions express a shocked realisation of the meaning of what one has done, a shocked realisation that anything could have that meaning.⁴⁸⁸

One might equally well paraphrase the experience of remorse in the pained exclamation ‘I have wronged a fellow human being.’⁴⁸⁹ Here, as above, we have a characterisation of remorse which connects the concepts of *mortality*, *fellowship* and (crucially for the purposes of this thesis) *the human*. If remorse is internal to our sense of what it means to wrong another, and we take seriously the form of words in which its appeals are naturally couched, then the concept of the human is non-accidentally connected to morality. Thus, just what it means to appeal to *humanity* as part of what gives morality its distinctive importance depends on how we go on to explicate the sense of that concept as it is appealed to in, and informed by, the experience of the remorseful.

N might be haunted by what he has done for his entire life and he may even contemplate suicide as a result. As Gaita insists, it is remarkable that this is a natural reaction to wrongdoing when one considers how little of a meaningful life that beggar led. The beggar is someone in whom no one had any interest, and whose life was so beset by affliction that little of worth remained in it. That nevertheless N might consider suicide as a response to

⁴⁸⁶ This influence may be a product of their potential as much as of what they have done.

⁴⁸⁷ *GE* p.30

⁴⁸⁸ *Ibid.* p.31

⁴⁸⁹ As Gaita does, cf. *GE* ch.4; *ACH* pp.29ff.

having robbed this person of their life demonstrates that he has a sense of others as being unique and irreplaceable, and, as such, having value which is not dependent on their range of achievements or interests. N might express his sense of the wrong that he has done by appealing to thoughts such as the following: ‘that man was somebody’s son/might have been somebody’s father’. He might, if he is religious, say that the homeless man and he are both equally valuable in God’s eyes.⁴⁹⁰ He might imagine, with sorrow, the beggar’s potential future that he deprived him of, or the beggar’s past which is now tinged with the pathos that it would be ended in this way. Note, however, that though he *may* express his remorse in these terms, remorse itself does not depend for its appropriateness on the truth of these claims. They may after all be truistic (he must have had a father) or else false (he may have had no children). As Gaita puts it:

The bewildered grief of remorse supervenes on, transforms and deepens our sense that human beings are [unconditionally] precious as that is given to us through our natural attachments and their consequences.⁴⁹¹

Talk of the *transformation* of our natural attachments indicates that the feeling of remorse needn’t be tied either to our judgements about the particular properties of the individual who has been wronged (e.g. that we should feel less remorse if the person whose life is cut short had less potential than others), or to our natural feelings towards them (e.g. that we should feel remorse in proportional to our sympathies). The declaration that this beggar was a fellow human being, someone with a human life to lead, declares his value to be independent of their particular capacities for living a meaningful life. It is simply that he was the kind of being (viz., a human being) whose life can include meaningful connections with others. It is that fact alone which made his being killed so objectionable. In other words: whether or not the beggar could have been described as flourishing, or could have elicited sympathy in passers-by, nevertheless he remained a human being, and causing his death therefore remains an intelligible subject for remorse.

Through the attitude of remorse we deepen our conception of that value that human life can have. Even if I rationalise my behaviour (e.g. ‘what I didn’t wasn’t so wrong, because I wasn’t to know that this would happen’ or ‘anyway, it wasn’t so bad as he barely had a life to lead’ or ‘it was wrong, but it’s water under the bridge now’), my vulnerability to the feeling of remorse (and to being pitied if I am remorseless) may prove to me the impotency of such rationalisations against the reality of having wronged another. That point has been foreshadowed in the arguments against the adequacy of moral theory in

⁴⁹⁰ Gaita, *ACH* pp.17ff.

⁴⁹¹ *GE* p.31. I have interpolated ‘unconditionally’ here, but cf. a remark to this effect on p.33.

the previous chapter. We may put the point as follows: one might appeal to theory to define the conditions under which remorse is appropriate, but whether one's feelings in fact track those limits is another matter. Supposing that they do not, it remains an open question whether that should be taken as evidence that one's feelings are irrational, or whether it demonstrates, rather, that the appropriate limits of remorse are not set by (this) theory.

I have tried to suggest that it is an unjustified presumption to think that in this case one's instinctive response is misguided, is the expression of a psychological aberration. Furthermore, and just as importantly, it is presumptuous to take one's feelings in this context to be evidence to be incorporated into a better theory of the appropriate conditions under which one may feel remorse. That is to interpret the attitude as evidence, to take it as relevant only insofar as it plays a role in the development of one's theory. Alternatively, one might infer from the inadequacy of one's best current theory to accommodate the feeling of remorse, to the conclusion that remorse (and our moral attitudes more generally) are resistant to characterisation in theoretical terms. Neither inference is necessary, but the possibility of the different ways of taking the significance of the attitude of remorse demonstrates that it is at least an open question how we are to understand its relation to theory.

Following the argument of the previous chapter, we can lend credence to the contention that remorse shows the inadequacy of theory if we can demonstrate that remorse is a form of personal relationship. Unlike regret, which is silenced in acceptance of the past, the satisfaction of remorse is atonement, and, specifically, forgiveness. Regret may be escaped from through an acceptance of one's mistake, without any corresponding inclination to try to compensate for it. By contrast, we measure the genuineness of the remorseful not only through degrees of emotional fervour (e.g. depression or self-pity), but also through the firmness of the individual's resolve to make up for what they have done, even in circumstances in which they correctly judge that their wrong was such that it cannot be compensated for. In such circumstances we recognise the appropriateness of even futile attempts at atonement.⁴⁹²

That of course invites the question of under what circumstances remorse can finally be silenced. Again, unlike regret, remorse necessarily involves another party, and is such that one cannot escape from it through a shift in one's own attitudes alone. (So long as I can change my character radically enough, I can legitimately escape from any regret, no matter

⁴⁹² For a representation of acts of atonement cf. e.g. the labours of Heracles.

how deep it may be.) Here, we turn to the party who has been wronged. The genuinely remorseful can only find solace in the forgiveness of the one who has wronged them. Our gestures of contrition, as well as our visual representations of remorse (and its connection to longing) reflect this. What Gaita calls the “radical singularity” of the condition of the remorseful (that one cannot find solace in a community of the guilty) is a consequence of the fact that forgiveness is (as wrongdoing is) a relation between two individuals.⁴⁹³

The fact that remorse is only finally silenced in forgiveness shows how becoming a wrongdoer (and being aware of that fact) introduces a special kind of powerlessness into the individual’s life. (It explains also why remorse for murder has a particular terribleness to it, for it is impossible to receive forgiveness from one’s victim, hence finally to have atoned for one’s crime.) We can see this powerlessness manifested in the way in which moral guilt constrains the attitudes that one can take towards the behaviour of the victims of one’s wrongdoing. Thus, imagine the following case:

An individual (‘O’) has been made redundant and needs money to finance his lifestyle. One day, on the spur of the moment and angry at society in general, he decides to rob one of his neighbours. (Let us imagine that he takes adequate precautions so that he cannot be identified by the neighbour.) The trauma of being robbed severely affects the neighbour, who has a somewhat nervous disposition and feels violated by that confrontation. Some months after the incident, the neighbour kills himself.

How then, is O to feel about what he has done, and how is he to feel about the neighbour’s response to having been robbed?

I would suggest that, like Gaita’s case of N, O may intelligibly judge of himself that the neighbour’s suicide, being a response to the wrong done to him by O, makes O into a murderer.⁴⁹⁴ Furthermore, although O may feel that suicide was an entirely disproportionate response to what happened, he is not in a position to legislate to the neighbour in this way. (Whereas, say, the neighbour’s family and friends may legitimately complain that contemplating suicide is an overreaction, a form of melodrama or a symptom of mental instability.) If O feels remorse for what he has done, he cannot simply reject culpability for the neighbour’s death on the grounds that the neighbour overreacted to the robbery. In wronging the man in this way, O binds his future (and thus his future happiness) to the other man’s, and yet in a manner in which he simultaneously foregoes

⁴⁹³GE p.47. I set aside here complications to do with forms of wrongdoing in which either or both of the perpetrator or victim of a wrong is a group.

⁴⁹⁴ Though of course he needn’t think that. This attitude can be compared to that of the Dutchwoman in GE p.43.

any role as counsel in determining how the neighbour ought to live. O can now neither disentangle himself from the man's future, nor can he impose conditions on his interest in it. The only form of extrication possible is that which the neighbour may offer in moving on from having been wronged in this way – in other words, in forgiveness.

It is in this way that if someone wrongs another then they are thereby thrust into a personal relationship with the individual who they wronged. It is thus that the victim can always demand that the perpetrator answer for what they have done, and cannot be shirked off with the question 'who are you to ask this of me?' As Gaita expresses it, one is *haunted* by the victim of one's wrongdoing. It is characteristic of ghosts that they do not recognise the concept of privacy.⁴⁹⁵ We can close ourselves off from the world's demands, but not from the intrusive presence of remorse. In the familiar Gothic trope, only a church can provide one with safety from a ghost. But a church provides sanctuary only for those who are devout; in other words, those who are willing to acknowledge their sins and who receive forgiveness for them. In this way it is only through accepting one's guilt that one can hope to escape being haunted. But what the consequences of this acceptance will be depends on how or whether one can live with an acknowledgement of what one has done. Can one recognise oneself as, say, a murderer, and yet still find enjoyment in the world?

Unless it is lived, this question (and its relatives, e.g. 'how can I go on from here?') must remain rhetorical. (Note, however, that this is not merely a matter of what one physically can or cannot do. As I have tried to make clear, the status of this 'can' is not different in kind from the modality that Mary appeals to when she says that walking past is impossible. Both are constraints of *meaning*.) Furthermore, if forgiveness is not forthcoming, it may be that there is no possibility of escape from guilt. (The film *Shutter* gives a powerful visual representation of the inescapability and intolerability of remorse; both the way in which the suffering of the remorseful cannot be ameliorated through company, and in the sense in which it is something that that one carries throughout one's life.) Suicide is one possible form of response to this fact. In that case it is an acknowledgement that the burden of knowing what one has done is unbearable.⁴⁹⁶

It is the personal nature of the connection between the victim and the perpetrator which is expressed in remorse which explains the importance of concepts like atonement and forgiveness in the attitudes of the remorseful. I suggested that questions such as 'how can I

⁴⁹⁵ They appear in one's most personal spaces – one's bedroom, one's dreams &c.

⁴⁹⁶ Though it is a further question when suicide may count as an appropriate response to having become a wrongdoer, and when on the contrary it is only a form of selfishness, the urge to avoid the responsibility of living with guilt.

go on from here?’ cannot be settled in advance because they involve this kind of personal connection. That suggests, firstly, that our understanding of the value of other individuals is informed by our understanding of these forms of connections (of the ways in which other human beings can affect us), and secondly that we cannot look to theory to settle our responsibilities to others. For this reason, to consult the deliverances of theory (which is necessarily impersonal and general) in order to settle the limits of one’s responsibilities to another (which is a personal and particular matter), is as intolerable when the issue is one of remorse as it would be in the case of one’s responsibilities in love.

8.2 REMORSE & THEORY

With the foregoing discussion in mind, we can now turn to TN and its account of the lessons of remorse. I will discuss Gaita’s argument that such views are inadequate, because they are not appropriately focussed on the individual who has been wronged. This is because moral theories take wrongdoing as, if an error, then an error of judgement.⁴⁹⁷ For this reason they are committed to thinking that remorse is only appropriate within limits that are established given in theory. And those limits are such that suicide is not an appropriate response to wrongdoing – for it is obscure what kind of a *mistake* could ever be so terrible as to require that the individual take their own life in its acknowledgement. In other words, TN cannot give an account of wrongdoing which is sensitive to the non-accidental connection between moral wrongs and the attitude of the remorseful. As one might otherwise put it, that shows the connection between the questions ‘what must I do?’ and ‘what have I done?’ That the latter only makes sense (in cases where the facts are in plain view) if said in a certain tone shows that an adequate answer to it is forthcoming only within the realm of meaning.⁴⁹⁸

I suggested earlier (§8.1) that the haunting that the perpetrator suffers from their victim cannot be settled by theory rather than through seeking (and receiving) forgiveness from

⁴⁹⁷ This statement needs to be read in the light of the complexities of ch.5 above. Indirect mechanisms for compliance to morality’s requirements see those requirements in terms which do not impute normativity in the sense of imputing standards of success or failure. It might be objected that this statement ignores Humeanism, as it was Hume’s intention to emphasise that the wrongdoer is not foolish. Williams gestures at this when he says that an action may be cruel but not unreasonable. (Cf. ‘Internal and External Reasons’ p.110. However, it is hard to know quite what to make of the charge of cruelty in that case. *Pace* Williams, Wiggins interprets Hume as showing that the standards for reasonability are set by considerations including (but not limited to) an individual’s desires. Cf. *Ethics* ch.2-3. For him, what is cruel is unreasonable. I agree that wrongdoing is not just an instance of unreasonability, but suggest that we can I am suggesting decline the choice between seeing wrongdoing as either a matter of reasonability or else only the expression of preference.

⁴⁹⁸ On the importance of considerations of tone within the realm of meaning, and therefore for ethics, cf. Gaita, *GE* p.142; *TPD* p.49.

them.⁴⁹⁹ The kind of peace that a theoretical exculpation could give N would only satisfy him so long as his attention was focussed on himself and his action in the abstract. When he hears the cries of victims, or replays that event in his mind, his attention is drawn to the significance of his deeds in a way such that theoretical considerations will lose their grip. Insofar as theory excuses him for what he has done, but he cannot silence the screams (or face his accusers), N must view these phenomena of recrimination as weaknesses or aberrations; mere shadows cast by the guilt mechanism, and to be escaped from by whatever means are most effective.

That leaves us with three questions; firstly, whether we *can* view remorse as a judgement of moral culpability to be settled by reference to (one's best) theory, together with an emotional corollary which, for rational individuals, will track the deliverances of that judgement. Secondly, whether there is an alternative way to understand the concept of remorse. Finally (presuming a positive answer to the second question); whether we *ought* to view remorse as a judgement to be settled by theory. In §8.5 I will offer a non-theoretical account of remorse; one which connects it to FNR. That leaves as outstanding the questions of whether it is possible or desirable to accept TN's account of remorse. In what follows I will suggest

In accounting for the connection between wrongdoing and remorse, there are two opposed temptations that I hope to avoid. On the one hand, there is the temptation to say that there is no necessary connection between the acknowledgement of the deed and the feeling of remorse (that this is just how it is for this person), on the other hand to say that in feeling remorse one responds as any reasonable individual would. The former position locates the feeling of remorse entirely in the subject's own peculiar psychological dispositions. It therefore becomes a matter of taste. The latter sees remorse as a necessary corollary of any accurate awareness of the situation in question. That is to see remorse as something required of all individuals simply in virtue of having a competent grasp of the facts of the situation. Another way to put this dichotomy is to say that it locates the feeling of remorse within the conceptual framework of the 'reasonable' – either, one says that remorse is non-reasonable (and therefore not a legitimate subject of disagreement) or one says that it is a (or perhaps, the only) reasonable response to the circumstances in which

⁴⁹⁹ The difficulty that TN has in accommodating the importance of the actual act of forgiveness mirrors a similar difficulty in understanding why, in political contexts, the act of consent should be so important. It can seem attractive to ground the legitimacy of the state on the possibility for hypothetical consent, only because one thinks that what matters is not what this individual does or has done, but rather that they would act in this way (they would agree to be so bound) if they were being rational. That expresses the instinct to bypass confrontation with this particular person.

one finds oneself.⁵⁰⁰ The difficulty with either conception of remorse is that it thereby prevents it being a response which may (though needn't) be a potential source of reflection and wonder, and in the light of which one's conception of the situation (in particular, of the nature of the objects to which one is responding) may be *deepened*. To talk of depth and shallowness in one's grasp of the circumstances is to impart a critical idiom which depends on a notion of understanding (and so is not a mere matter of taste), but where our concept of that is not of an individual reading off their responses from the facts of the situation, but rather of someone constantly rethinking in the light of reflection and experience.⁵⁰¹

The dichotomy above between remorse as reasonable or non-reasonable might be solved by arguing, in neo-Humean spirit, that the concept of remorse here is partially definitive of the structures of reasonability. In this way, the fact that human beings feel remorseful at having done wrong is not something that can be justified by an independent specification of the facts of wrongdoing, because what it means to wrong another is in part defined by the feeling of remorse that it occasions. However, that feeling is still within the purview of argument and, unlike (say) taste in clothing, has critical normative standards attendant upon it, because of its role in defining appropriateness in such contexts.⁵⁰² This kind of non-reductive Humean compromise sees remorse as part of the conceptual glue that informs our understanding of situations, and therefore our sense of what follows from what in moral contexts.

It should be clear that no such account will be sufficient to a conception of remorse that ties it inextricably to the concept of a deepened understanding of the situation. That is because to talk of depth here is to acknowledge that there is no simple specification of the situation which will reveal how someone is deficient in their perception should they fail to feel remorse for having done wrong. Remorse cannot be relied upon as a criterion of seeing things rightly. It cannot play the role of such a criterion because (unlike, say, emotional states such as regret) it has neither determinate content, nor stable consequences for its subject. That is why a specification of its content in the pained appeal 'what have I done?' can only ever be preliminary; the actual content of remorse is given in the attempt of the wrongdoer to live, with lucidity and understanding, with the fact of their wrongdoing.

⁵⁰⁰ 'Non-reasonable' being 'standing outside of the structures of the reasonable', by contrast to 'unreasonable'; 'lacking a reason in cases where it is intelligible to ask for one'.

⁵⁰¹ Cf. Gaita, *GE* ch.15; Rhees, *WPD* passim.

⁵⁰² This is something of a simplification of disagreements over matters of taste, but one that I hope is not fatal for my purposes.

This point needs to be handled with care. Though one may say of someone who wrongs another and fails to feel remorse for having so done that they have failed to understand the *meaning* of their action, one cannot *identify* an individual as remorseful and infer from that fact to the conclusion that therefore they have understood what it means to wrong another. That is because, unlike with regret, the attitude of the remorseful is never finally completed. One can teach an individual what it is to feel regret by having them experience the consequences of a foolish decision. The pained judgement 'I wish I had done otherwise' gives the content of the feeling of regret; a content which remains stable however one goes on to determine the consequences of regret for the rest of one's life. For remorse, by contrast, one cannot teach it through ostensive definition in this way. When one feels remorse for having wronged another, one must then be on guard to make sure that one's remorse is genuine and non-corrupt. That means determining how one can seek atonement for one's actions; determining how egregious one's offence was by trying to understand it from the point of view of the individual who was wronged, seeking forgiveness and learning how to live with (or without) it. In this way the question of identifying an individual who is remorseful becomes determining whether what purports to be remorse is genuine, or whether it has degenerated into one of its counterfeits (such as maudlin self-absorption, or the ego's transmutation of a sense of guilt into a celebration of roguishness). Determining this is a personal matter. In regret, by contrast, the question of determining whether an expression of regret is genuine or counterfeit is not personal in the same way, because there is not the same unending responsibility to be on guard for its corruptions. So long as one feels appropriately and acts appropriately on the basis of that feeling, one is regretful.

Once we have taken seriously the thought that remorse is crucial to our understanding of what it is to wrong another, we can see how theoretical accounts of morality are revealed as insufficient in its light:

When we turn our attention from the task of developing philosophical accounts of precepts and prohibitions which square more or less with 'traditional morality' or our 'ordinary moral intuitions' and direct it instead to our sense of the terribleness of being an evildoer, then it seems as though a Kantian must say that the terribleness of being an evildoer is something like being a traitor to Reason. That is manifestly a parody of moral seriousness. Remorse often presents itself in the accents of a horrified discovery of the significance of what we did but it is trivialised if we try to express a murderer's horrified realisation in anything like this way: 'My God, what have I done? I have been a traitor to reason. I have violated rational nature in another!' It is not only Kantian accounts that invite such parody: 'My God, what have I done? I have violated my freely chosen and

universally prescribed principle that one shouldn't kill people under circumstances such as these!⁵⁰³

It cannot be a coincidence that such parodies apply to all theoretical accounts of morality, despite the radical differences between them. That implies, I would suggest, that it is the nature of the theoretic, and not the particular content of one's theory, which leads to parody. That stems from the fact that moral theory is designed to operate in a form of language in which considerations of tone are not relevant.⁵⁰⁴ They therefore *place* our ordinary ways of expressing our sense of remorse for having done wrong with paraphrases which fail to capture what is most important to that sense.⁵⁰⁵

The appeal to the 'ordinary' in this context should not be taken as a kind of conservatism, a suspicion of accounts which would challenge or upset conventional ways of speaking. Rather, our attachment to ordinary ways of speaking comes from a recognition that our understanding of our experiences are deepened only when language is used plainly and in faithfulness to the phenomena in question. Finding the words to capture the nature of evil, or one's remorse for wrongs committed, or to bear to witness to acts of superlative goodness, is an activity which is as much literary as philosophical, as it involves vulnerability to literary vices such as sentimentality, banality, bathos &c.⁵⁰⁶ Realistic writing aims to reflect experiences and thereby to show them in a new, clearer aspect, which can then be returned to the one who experienced it ('Yes, that's how it was! But I hadn't thought of it in that way'). One might think of the ideal as that of mirroring the experience in question. But oftentimes it is not enough simply to parrot an individual's own words, either back to them or to someone else. After all, they may not have expressed themselves clearly, or their words might depend for their sense on a context now lost.⁵⁰⁷

It is thus that we can look to literature for expressions of, and elaborations upon the concept of remorse and the lessons that it discloses. But philosophical accounts of these phenomena are still answerable to what we can see as deep and revelatory, and what rather obscures and cheapens. Gaita's own discussion makes reference to Donagan's account of a poignant scene in Henry the IVth part 1, where Falstaff's soldiers are scorned by Prince Henry and the Duke of Westmoreland.⁵⁰⁸ Falstaff remonstrates with them, saying

⁵⁰³ *GE* pp.33-34. Cf. also Brewer, *The Retrieval of Ethics* pp.171-172. Strangely, Brewer doesn't see that the parody accounts work for contractualism as well.

⁵⁰⁴ *Ibid.* pp.265ff.

⁵⁰⁵ *Ibid.* pp.39ff.

⁵⁰⁶ *Ibid.* pp.265ff.

⁵⁰⁷ For an example of this, think of the way in which Keats in 'Ode to a Grecian Urn' uses his imagination and command of language to bring to life the pastoral scene depicted on a vase from which all context has been lost.

⁵⁰⁸ Act 4, Scene 2

“tut, tut; good enough to toss; food for powder, food for powder; they'll fill a pit as well as better: tush, man, mortal men, mortal men”. Gaita contrasts Falstaff's sense of the moral seriousness of sending others to their deaths with Donagan's own Kantian paraphrase of the significance of that decision, and invites us to consider which formulation is the deeper.⁵⁰⁹ As Gaita insists, at the point of sending men to their deaths, that in which the pathos consists is obscured rather than revealed in an account which sees them as “rational beings who also die”. By contrast:

Falstaff reminds the Prince of his fellowship and equality with ‘such pittifull Rascals’. They are his fellow mortals. To speak this way of ‘mortals’ is to speak of death in an accent of pity, and this accent is both expressive and constitutive of a sense of human fellowship.⁵¹⁰

In a context in which one needs to draw an individual's attention to the moral consequences of the act that they are contemplating, one's appeal, like Falstaff's, will be couched in terms in which the tone of what is said is as important as the content.⁵¹¹ The power of Shakespeare's presentation of this confrontation consists in his showing the capability of language to make vivid the pathos of death and wrongdoing.⁵¹² To speak in this context of a deepened understanding is to emphasise that one's sense of the importance of morality is contingent on one's sense of the meaningfulness of life.⁵¹³ That depends on seeing it as containing possibilities which are worthy objects of celebration; by contrast to a perspective on which these possibilities are simply facts, with no value in and of themselves.⁵¹⁴

The critical concepts by which theories are assessed are those of truth and verisimilitude where these are understood in terms of *accuracy*. That conception of truth has no use for the notion of *truthfulness*, and none for the idea of success as measured in terms of relative *depth*.⁵¹⁵ An individual who is attentive to the deliverances of theory is therefore concerned with doing (or feeling) *the right thing*, or being *the right kind* of person. Conformity is a kind of accuracy, of measuring up to the standards required. The reason that such accounts are unsatisfactory as characterisations of the attitude of the remorseful

⁵⁰⁹ On literature as form of moral thinking, cf. also Diamond ‘Having a Rough Story About What Moral Philosophy Is’ in *TRS*.

⁵¹⁰ *GE* p.27

⁵¹¹ *GE* pp.24-8.

⁵¹² And cf. also Diamond ‘The Difficulty of Reality’.

⁵¹³ Cf. §4.12. One can compare this to the capacity to see meaning in a picture, e.g. to see a duck's eye as staring.

⁵¹⁴ On the world as a collection of ‘lifeless’ facts cf. Wittgenstein, *Tractatus Logico-Philosophicus* 6.41; Holland, *AE* pp.95ff. To view the world's possibilities as worthy of celebration is to see life as an adventure, cf. §7.4.

⁵¹⁵ Cf. Diamond, ‘Truth: Defenders, Debunkers, Despisers’ in L. Toker (ed.) *Commitment in Reflection*.

is because the puzzlement of remorse is not over whether this was the right thing to do or not (for the remorseful, its wrongness is not in question), but in what the wrongness consisted – i.e. how to understand the significance of what one has done, what the wrong means and what it means to wrong another in this way.

Of course, the plausibility of this argument depends on accepting the premise that the puzzlement of remorse invites answer in terms for which the critical concepts are those of depth and shallowness rather than accuracy and inaccuracy. In the following section I aim to substantiate that premise by demonstrating that a conception of remorse as an awareness of having committed an error of reasoning entails a counter-intuitive account of the appropriateness of our attitudes towards the past.

8.3 THEORY & THE PAST

In the foregoing discussion, I suggested that we think about morality in terms of our conception of our relations to the past and the future. I further suggested that if we want to understand the importance that moral claims have we need to look at the sense in which an individual who acts immorally is vulnerable to remorse, from which they cannot escape through adjustment of their own interests and attitudes, and which makes them answerable to others in ways for which they cannot legislate and to which they cannot offer a satisfactory reply. For an individual who lucidly accepts their wrongdoing, the painfulness of their state consists in their awareness both of the appropriateness of their victim's appeal to them ('how could you do this to me?') and the impossibility of giving a satisfactory response. Unless or until one is forgiven, this condition cannot be escaped from.⁵¹⁶ It is because we have a sense of the terribleness of becoming a wrongdoer that we find it intelligible that someone who killed another person could take their own life out of a sense of their guilt.

Moral theories are committed to the civilising of remorse, in that such theories are all committed to the idea that, beyond a certain point, all reasonable individuals will move on from reflection on the past, will set remorse aside and will turn back to their responsibilities to the present. Insofar as theory requires that we only feel remorse within bounds specified by the structure of theory, our attentiveness to the reality of others is thereby stunted. Remorse, like grief, is one of the ways in which the independent existence of others is brought home to us. As with grief, it is when things go wrong that one

⁵¹⁶ At least, not while remaining lucid. There is always the false promise of escape through either death or distraction. I call this a false promise because although the fact of one's guilt thereby escapes one's notice, one is no less guilty for all that.

recognises the value of the objects with which one has commerce. One effect of grief is a painful reorientation of attention, from the satisfaction of one's own projects to those upon whom one relies and which populate the world amongst which one moves.⁵¹⁷ But if grief shows that one relies on others for more than just the success of one's projects, remorse shows that others have value which is not attendant on one's reliance on them at all.⁵¹⁸

As Gaita has noted, moral theories which try to give accounts of the source and content of moral requirements do not talk about remorse. This is, however, merely one instance of their larger attempt to delimit the ways in which thoughts about the past can be relevant to the thoughts of a moral subject. Both the Kantian and the utilitarian agent focus their gaze on the present and the future, and only look back to consider what has been done in the past insofar as so doing will either bring about some present good, or else will provide lessons which can be applied going forward to ensure that one acts better into the future.⁵¹⁹ The Aristotelian *phronimos* and Humean gentleman are more subtle in this respect, but nevertheless (as we will see) remain committed to civilising the relevance of the past.⁵²⁰ In what follows I will show how Kant and Aristotle constrain the relevance of the past, contrary to our intuitions. Similar considerations apply, *mutatis mutandis*, to utilitarianism and Humeanism, but I will not discuss them here.

For the Kantian agent who has duties that press immediately on her, to turn away from these and lose oneself in reflection or reinterpretation of the past could only be a form of self-indulgence. Furthermore, to contemplate suicide on the basis of what one has done could only be irrational because it involves neglecting one's current duties in order to express one's sense of the terribleness of a deed which has now been done, and cannot be undone. Since (one imagines) there is nothing now that can be done that will ameliorate

⁵¹⁷ Absences are harder to show than scars, but it is the absences that hurt the most.

⁵¹⁸ It is in this respect that the recognition of a moral limit "humbles self-conceit" (*CPrR* 5:88). Note however, that though I appeal to a Kantian idiom here, Kant's own explanation of the humbling effect of the moral law remains inappropriately inattentive to the other.

⁵¹⁹ For the utilitarian, reflection on the past is important only insofar as so doing maximises utility (either for the individual or in general, if this is the kind of thing that one thinks should be inculcated in a general principle), and it is always possible that such reflection – especially remorse – will be counter-productive when understood in this respect. Insofar as it is, the utilitarian will have no truck with it.

⁵²⁰ Here I am using 'gentleman' as the Humean correlative of the Aristotelian *phronimos*; someone who has been well-raised and is, accordingly, ideally virtuous. It is, of course, noteworthy that Hume does not rely on any such ideal character in the explanation of his system. That suggests that Hume's emphasis on the role of the individual's passions in setting their norms upsets the idea that there is a single model of virtue which we might all try to emulate. But as I have suggested earlier, it is contentious just how far Hume intends to allow personal variance in moral matters; cf. §6ff.

the wrong that one has done, the only rational thing to do in this circumstance is to acknowledge one's mistake, and to resolve in the future never to act in this way again.

Sometimes Kant talks, somewhat darkly, about respect involving trepidation for the consequences of the transgression of the moral law, and the postulate of the next life and punishment therein as an expression of that respect.⁵²¹ However, he makes it clear that these images (like the postulation of God) are an inessential propaedeutic to a complete understanding of morality. While such images can serve a worthwhile purpose, the dutiful agent does not have the demeanour of the sinner, but rather looks to the future with an optimistic resolve that the 'kingdom of ends', may, through their effort, come closer to reality. As he says:

A heart which is happy in the performance of its duty...is a mark of genuineness in the virtuous spirit – of genuineness even in piety, which does not consist in the self-inflicted torment of a repentant sinner (a very ambiguous state of mind, which ordinarily is nothing but inward regret at having infringed upon the rules of prudence), *but rather in the firm resolve to do better in the future*. This resolve, then, encouraged by good progress, must needs beget a joyous frame of mind...⁵²²

As we have seen, to view moral wrongdoing as a failure of rationality involves seeing instances of wrongdoing as *errors*. It is characteristic of having made an error that one acknowledge it, and sternly reprimand oneself for having so done, but – having thus learnt one's lesson – to turn once again to present and future demands with a newly minted resolve not to make that mistake again. The fact that there are everywhere at all times pressing duties to complete means that, for Kant, we can only spend time reflecting on the past insofar as doing so is required in order to learn lessons and so become more effective in discharging one's present and future duties. In this respect, Kant immediately delimits a space into which remorse and regret must fit themselves. Reflection on the past is justified just so long as it is *useful*. Beyond that, reflection is a leisure activity which could only be justified by the absence, now or in the near future, of individuals needing help. In this way, remorse becomes nothing more than regret together with resolve.

The upshot of this is that Kant cannot capture the idea that remorse may, quite properly, lead to an unhinging of one's grasp on the world. Although someone who recognises that they have done something bad or evil may correspondingly lose something of their cheerful demeanour, nevertheless there remains a satisfaction, for Kant, in the prospect of dutifulness which will get them out of bed in the morning.

⁵²¹ 'Religion Within the Bounds of Mere Reason' 6:73ff.; my emphasis.

⁵²² *Ibid.* p.19

This is closely related to the criticism that the Kantian explanation of wrongdoing sounds like a parody. Remember that the reason for this is that in the description of wrongdoing as falling away from a principle the particular individual drops out of consideration. It is because Kantianism shelters behind the general at this point that one is able to civilise the influence of remorse on wrongdoers, and why one can so easily acknowledge having done wrong and yet move on – past this person, past the past, into the future. After all, the very same features that explain the wrongness of one's deed also demand of one that one directs oneself towards helping others. If, on the other hand, we took ourselves to be answerable to the *individual* that was wronged, then moving on would not be such a straightforward process. Rather than being a matter of acknowledging the truth of a judgement of guilt and redoubling resolve to adhere to morality's tenets in the future, it would involve deciding a point beyond which one's dues to another have been paid; in other words, it would involve 'moving on' from remembrance of another individual – an activity which is personal, solemn and unstable.⁵²³

The Aristotelian is more subtle in respect to our attitudes towards the past. Aristotle thinks that an assessment of an individual's life can only be infallibly completed (some years after) that person's death – because what one does affects one's chances of being called happy, and the possibilities for a good life to turn bad or a bad life to be redeemed are not delimited a priori.⁵²⁴ Thus, insofar as lucid reflection on one's past is an important aspect of ensuring that one is a good human being and that one's life becomes a happy one, there are no limits laid down a priori to the extent to which the demands of the present may be neglected in reflection. However, although the Aristotelian will not want to limn principles which we may use to judge of a person when their reflection has become maudlin or self-indulgent, they nevertheless think that such a distinction can be made and will be done so by reference to the contribution that this attention on the past makes to one's flourishing.

The problem is that the Aristotelian says the value of reflection on the past in its contribution to the individual's own flourishing, either instrumentally (if it is the most effective means to the inculcation of character traits such as prudence which are independent of the reflection itself) or constitutively (if such reflection *just is* the manifestation of a certain virtue). That means that when such dwelling becomes unhealthy, when it starts to undermine our ability to fulfil the other parts of the function

⁵²³ The contrapositive of that thought is the idea that so long as we make sure that we stand in an appropriate relation to moral obligations, then there remains a point beyond which we cannot be reduced.

⁵²⁴ Cf. §6.3 above.

characteristic of our species, it loses entirely its *raison d'être*. Whereas, one may insist, to the contrary, that while there is the danger of self-indulgence in reflection upon the past, this vice does not contrast with reflection which is healthy but rather with that which is guided by faithfulness to its subject matter. If that is so then one opens up space for the possibility that certain actions may, quite rightly, call for a degree of reflection which is not healthy.⁵²⁵

At some point Aristotle will say that reflection on the past is no longer serving a purpose and should therefore be jettisoned. Whereas on the contrary, someone who takes themselves to be reflecting on what they have done in order to acknowledge a wrong that they have committed, or alternatively, someone who dwells compulsively on a dead friend or loved one at the expense of the living, might object that they do so in order to be faithful to that experience and therefore to be truthful to what they have done (or to be faithful to that person, and what they were). That kind of devotion may be bought at the expense of flourishing without us being compelled to think that therefore the individual who has lost themselves in the past in this way is somehow deficient. Furthermore, if there is something wonderful in their devotion, and, say, in the results that it produces, then we do not have to explain their wonderfulness or the fineness of the products of their reflection in terms of benefits that the individual's character thereby accrues. The nature of their attention is such that considerations of the effect of such thinking on their character development are otiose to them.

In both cases, albeit in different ways, theoretical accounts of morality try to delimit the ways in which the past is relevant to an individual. As such, they express instincts towards moralism, for they sense that an individual's drive to reflect on the past, and the way in which it affects one's sense of one's current entitlements and requirements, can upset the morality system's predilection for imposing consistency and uniformity on an individual's behaviour.

The individual who feels remorse needn't think that their responsibility to dwell on the past is limited to its usefulness with respect to the present or future. He may balk at the suggestion that remorse is only legitimate insofar as it is consistent with fulfilling one's current duties, or is proportional to the responses of the *phronimos*. He might respond by saying that the limits of remorse are set by his sense of what it takes to acknowledge the wrongs that he has committed, and that this is independent of the demands of the future or his own flourishing. (Indeed, though this cannot justify a particular instance of remorse,

⁵²⁵ And compare my remarks on McDowell in §2.1 above.

one might insist that the past must be remembered for its own sake if present and future happiness is to have any significance. That is to emphasise the necessity of history and memory for the meaningfulness of life.)

Of course this does not mean that he can never be called back from the past, to his current responsibilities. He might be called back either because those responsibilities must now take precedence, or because his acts of remembrance are no longer genuine expressions of remorse. But one may accept that possibility while refusing to succumb to the civilising of our attitudes to the past – to think that they are only ever justified if they are shown to be either in service of, or at least consistent with, the deliverances of moral theory. If remorse were simply the acknowledgement of an error, then the standards which determined that so acting was wrong would simultaneously circumscribe the ways in which that acknowledgement may be expressed. (E.g. if it is wrong to harm others through inattentiveness, it is equally wrong to allow one's feeling of remorse to lead to further inattentiveness.)

I have tried to suggest that this is counter-intuitive as an account of remorse. Acts of remembrance and moments of remembering take time and draw attention away from the present. They are not, however, suspect for that fact. After all, why should we think that the present and the future necessarily take precedence over the past, as TN requires?⁵²⁶ The activities of reflection and remembrance are open-ended, and should no more be circumscribed by the deliverances of theory in moral than in personal instances. The upshot of this is that TN must see remorse as suspect unless it can be made consistent with the deliverances of theory, and must take the declaration of the remorseful, that 'whatever is reasonable, they must reflect in this way', to be false.

In this way, if remorse is characterised as a species of error it lacks any of the characteristic marks of that concept as it is ordinarily understood. The puzzlement of remorse is not cured (only) by understanding the causes and consequences of one's action, and relating them to a structure of considerations that speak in favour or against certain courses of action. It is, as I suggested earlier, a matter of understanding (and atoning for) the significance of one's actions.

⁵²⁶ A fuller discussion of this requirement would explain how this privileging of the present and future is a product of the timelessness of the content of moral theories (analogous to scientific theories), and its privileging of the concept of action.

8.4 REMORSE & THE OTHER

As we have seen, the difficulty that TN has in accommodating the attitude of remorse comes from its commitment to understanding wrongdoing in terms of a dichotomy between the rationally and the physically necessary. Since FNR does not attempt to give any such characterisation of the nature of the moral necessity (seeing it, rather, as *sui generis*), it does not suffer from the same difficulty in accounting for the attitudes of the remorseful.

Recall that according to FNR we look to the presence of another in order to ground moral imperatives. Such an approach does not attempt to explain why remorse is an appropriate response given the nature of the being to which we are responding. Rather, it takes the feeling of remorse, and the thoughts that it prompts, to be partially constitutive of what we mean speak about another human being, an ‘other to my one’. On this view, the attitude of the remorseful no more stands in need of theoretical elaboration than does the attitude of the grieving. Both such attitudes can be elaborated upon (and the question ‘what is the source of my remorse?’ is as sensible and important as ‘what is the source of my grief?’), but neither can be fully explained by reference to the natural features (the properties or purposes) of either the one who feels or the one for whom they feel.⁵²⁷

In order to accommodate these observations within a framework in which morality’s requirements are to be grounded entirely in an individual’s own ends, one will have to give a complex account of the relations between the attitudes which follow from remorse, and our attitudes towards the remorseful. Our expectation that a wrongdoer will feel remorse for having acted as they did must be grounded on our confidence in the inconsistency of their so acting with their ends. Otherwise it is only an unjustified belief which nevertheless serves the useful function of trying to inculcate in them certain ends – one blames or pities them *in order to make them* care about morality. In this way, TN is committed to understanding our expectation that they will feel remorse for what they have done as either an expression of our confidence that we understand their needs and interests (perhaps better than they do, if they cannot see the relevance of remorse), or as (in Williams’ phrase) a ‘proleptic mechanism’ for bringing about consistency of ends. Both alternatives have a kind of paternalism about them, in that we claim either that we understand the other’s ends better than they do themselves, or else that, in this context, we have the prerogative of educating them, changing their ends.

⁵²⁷ Gaita *GE*, Preface and ch.4.

By contrast to this, FNR avoids this kind of paternalism in that it does not require telling an individual that one knows their own nature better than they do themselves, or even seeing them as needing education in a sense in which that is something that could be brought about by a third party, by a change of interest.

It might be objected that FNR avoids these problems only through a kind of intellectual irresponsibility – through refusing to try to give an explanation of moral necessity in terms that will render it intelligible. But although FNR refuses to give a reductive analysis of moral necessity, it nevertheless gives an explanation of the source of moral necessity, in terms of our conception of the human condition and of the corresponding effects of the presence of human beings on our actions and reactions.⁵²⁸

⁵²⁸ In this way it can be compared to the methodology of the *Symposium*, in which (as I read it) love is conceived of as an irreducible elemental force, but an explanation is still given of its operation.

9 CONCLUSION

[Lear] How now! what art thou?

[Kent] A man, Sir.

- Shakespeare, *King Lear*

In this chapter I recapitulate the argument of the preceding chapters (§9.1). I then offer some tentative remarks about ways in which the themes of this work could be extended (§9.2). Finally, I conclude by offering a summary of what I take the role of appeal to *the human* to be in grounding the concept of the morally necessary (§9.3).

9.1 RECAPITULATION

In this thesis I have argued that a conception of moral necessity as absolute and different in kind from the imperatives of happiness, is consistent with our naturalistic intuitions. Furthermore, I have gone on to suggest that the only way to give an account of morality which is consonant with what we find best in it, is to disclaim the possibility of describing those responses as justified (or not) in terms of their ability to serve or express our purposes.

Of course, that further suggestion depends on a background of shared agreement about those actions which are finest, and in what their fineness consists. There is no necessity in those appeals. The fact that there is no necessary agreement in our judgements of moral value has two consequences. Firstly, it means that a defender of TN can always respond to counter-examples by rejecting those putative aspects of moral experience. Secondly, it means that moral judgements are ineliminably personal; not just in the sense that they *apply* to one's own situation, but also that they express one's conception of that situation, and of one's moral vision more broadly. (It therefore becomes central to the viability of the strategy of this thesis that sense of the personal nature of morality be consistent with its claims being external to an individual's ends.)

Thus, the plausibility of moral argument ineliminably depends on appeal to shared agreement. This is usually described as appeal to 'intuition'. However, this is prone to mislead insofar as our understandings for intuitions are either of the deliverances of a faculty which give us non-inferential awareness of reality, or else the expressions of taste or individual preference. For this reason I prefer to following Gaita in calling this appeal

one to shared *meanings*.⁵²⁹ What meaning one can find in a situation is neither dictated by convention, nor entirely free from it.

Furthermore, if we disagree in our moral attitudes in a certain situation, then that difference needn't demonstrate that one of us is in error. However, calling the difference one of meaning signals that it would be too hasty to say that such a difference is only autobiographical, that we cannot assess different viewpoints for their relative merits. Someone may free themselves from a certain moral attitude by being (or becoming) shallow. That does not mean that we can or should be indifferent to the difference between them and us.

Whether or not one finds the view of morality expressed in ch.3 convincing, the following two morals ought to be taken from this thesis. First of all, that Anscombe and Williams' arguments by elimination to the homogeneity of the ethical (or, more broadly, any argument by elimination to the truth of some version of TN) must be incomplete – and therefore unconvincing – if it fails to take into account the possibility of FNR. Secondly, that we can accept that the loss of a legislator God makes the issue of moral authority fraught, while declining the choice between (some version of) rationalism and Kantianism as the only alternatives to moral scepticism. In Cavell's phrase, 'the other' may play the role of God in grounding the authority of moral claims.

9.2 DIRECTIONS FOR FUTURE RESEARCH

In this section I will sketch some ways in which the ideas of the thesis could be developed.

The most notable limitation of the previous discussion is the absence of any sustained discussion of the position that I call 'formal non-romanticism'. This is due to constraints of space. I would be happy if this thesis established only that such a view is possible (even if remains to be seen whether it is contentful), that it is naturalistic, and that there is something dissatisfying in its rivals. That alone is sufficient to defend the importance of the Wittgensteinian alternative.

One way of expanding on FNR is to look at points in our lives in which we appeal to concepts such as humanity and dehumanisation. One might approach this question through an examination of some of the ways in which it is alleged that certain elements of modern life leads to the reduction or objectification of human lives, or some aspect of them. As should (hopefully) be clear, the conception of morality that I have described and

⁵²⁹ Cf. Gaita *GE* ch.8; *TPD* passim; D. Levy 'On Moral Understanding' contains an important discussion of this.

defended in this thesis depends on the possibility of explicating the notion of dehumanisation without grounding that contention in the deliverances of a theory of human nature.

A complete discussion of the role of the human in moral thought would include a discussion of eliminativist naturalism. Such a discussion would evaluate Singer's argument that views of morality which hold onto an ineliminable role for the concept of the human express arbitrary and unjustified prejudices. It would also expand upon arguments of Diamond's and Gaita's which call into question the coherence of the eliminativist perspective.

In the remark from Nietzsche which prefaced ch. 2 there is an expression of a dissatisfaction with the human, one born of a kind of physical repulsion which finds itself sublimated into a desire to abstract from the mundane, to find principles that apply to all beings by virtue of their possession of some property. I think that Nietzsche's account of saintliness misunderstands in what true sainthood (call it genuine goodness) consists. Nevertheless, Nietzsche very clearly dramatises a tension in our thought, between celebration of the human, and dissatisfaction with it – the aspiration (shared by Plato, Aristotle and Kant) that we become God-like and so transcend the limitations of our merely human frame, together with the awareness that, for beings such as us, our humanity is not a limitation but rather a limit; in other words, it is not something that we can intelligibly hope to leave behind.⁵³⁰ One way to develop the themes of this thesis would be to elaborate on the conflicting drives in philosophy at once to celebrate and denigrate the human. That could be approached through one's sense of the admirability or otherwise of sainthood; what it takes to be a saint, and whether saintliness is an ideal for necessarily imperfect beings such as us.⁵³¹

Finally, one might expand on the themes of this thesis by examining how the conception of morality that I elaborated in §3.3 relates to the imperatives of love, and to personal identity. In the course of my discussion I made two contentious claims that I did not substantiate; firstly, that requirements born of love can sometimes override moral imperatives for an excellent individual; secondly, that moral considerations remain one part of the ethical, albeit part that is different in kind from its other elements. A justification of the former contention would go through an explanation of the nature of

⁵³⁰ E.g. Plato, *Theaetetus* 176a-177a; Aristotle, *NE* ch.IX; Kant *GMM* I. Plato and Aristotle's views are helpfully discussed in D. Sedley, 'The Ideal of Godlikeness', in G. Fine (ed.), *Plato 2: Ethics, Politics, Religion, and the Soul*.

⁵³¹ The starting points for this investigation would be a comparison of the differing conceptions of sainthood in Nietzsche, *Beyond Good and Evil*; Cavell, *CoR*; Gaita *ACH*; Wolf, 'Moral Saints'.

love and the relation between it and moral value. I speculate that the attachments of love are partially constitutive of the value of individuals and hence of moral value. Showing this would take much more elaboration. A justification of the latter contention would involve explaining how moral behaviour both depends on, and modifies in turn, elements of an individual's character. This must be the case if, as I suggested in ch.7, the finest moral deeds involve distinctive kinds of personal connection. If that is to be consistent with realism, an account is needed of the kind of attention towards another which is at once both character-involving (and in that sense spontaneous) and yet involves obedience to a standard which is external to the individual's own ends. Such a view would need to be expanded against those who would view morally good behaviour as the expression of one's own projects (pure spontaneity) or disciplined responsiveness to a standard external to character (pure receptivity).

9.3 CONCLUDING REMARKS

It is her sense of the humanity of the injured person, of what it means for a person to be reduced in that way, that necessitates her compassionate response. For this reason, an explanation of Mary's necessity is not grounded in facts about the object to which she responds, facts which would be available to any competent perceiver. That is a sense of the human in which it pairs naturally with talk of the meaningfulness of actions, events and lives. Mary responds as she does because of her sense of what it means to lie, injured on a roadside; because of her sense of what it means to die, and *a fortiori* to live; because she understands something of the terribleness of dying alone. All of these concepts involve the notion of having a human life to lead, even if they do not mention the concept of 'the human' explicitly. (In that way, explicating the concept of the human can seem like trying to point to the sky on a map of the world.) It is facts of this kind (though it need be none in particular) to which Mary gestures when she says 'we can't just leave him here; he is a *human being* after all'.

A sense of 'the human' in which it pairs naturally with the idea of *the human condition*, rather than human nature, depends upon uses of language in which questions of tone cannot be separated from an assessment of the cognitive content of what is said.⁵³² Giving an adequate characterisation of the human condition means finding the words to express one's sense of one's place within the world; of the sufficiency or otherwise of the human; in other words, whether one feels that one is all too human or rather just human enough, or whether to be human is to aspire to being merely human.

⁵³² This point is Gaita's; cf. the references in §8.2 above.

Similarly, remorse is an awareness of what has become in virtue of having wronged another which does not in general require any particular response – the only thing that would finally silence remorse would be the undoing of what was done (which is, of course, impossible). Remorse involves a potentially unending responsibility to reflect upon what one has done, and to seek atonement, forgiveness or redemption for one's misdeeds. This responsibility outlasts its (social or personal) usefulness.

We imagined Mary responding with immediacy and tenderness to the needs of the cyclist. Although it would be a mischaracterisation of her response to say that her vulnerability to remorse entered as either motivation or justification of her behaving as she did, we understand the alacrity of her response because we understand that she conceives herself as responsible to his needs, and therefore as capable of wronging him if she fails to stop. In the tenderness and immediacy of her behaviour she shows us something of what it can mean to be responsive to the needs of strangers.

A love that is revealed in tenderness shows an individual acting in the grip of a necessity which is distinct and *sui generis*. Only if we make sense of this possibility will we be able to see how tenderness is an ineliminable element of the response. Only then, moreover, will we be able to understand how it can be true that Mary would have responded in the same way to anyone in need such as the cyclist's, and that she believes that anyone would have acted the same way, while still retaining the thought that the object of her response was the cyclist himself, and not him only as an instance of the requirements of the moral law. The wondrousness of the requirements of love is the vulnerability that comes from tenderness towards another. Unlike in commitment to a principle, there is no security in being so called. There is, rather, an inexorable demand to be unsettled.

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